

1 THE GRAND JURY OF THE COUNTY OF LOS ANGELES
2 STATE OF CALIFORNIA
3

4 THE PEOPLE OF THE STATE OF CALIFORNIA,)
5 PLAINTIFF,)
6 VS.)
7 01 ERIC RONALD HOLDER JR.,)
8 DEFENDANT.)
9 -----)

NO. BA475908

10
11 REPORTER'S TRANSCRIPT OF GRAND JURY PROCEEDINGS
12 MAY 7, 2019
13
14

15 APPEARANCES:

16 JOHN MC KINNEY, DEPUTY DISTRICT ATTORNEY OF THE
17 COUNTY OF LOS ANGELES, REPRESENTING THE OFFICE
OF THE DISTRICT ATTORNEY.

18 VALERIE AENLLE-ROCHA, DEPUTY DISTRICT ATTORNEY
19 OF LOS ANGELES COUNTY AND LOS ANGELES COUNTY
GRAND JURY ADVISOR.

20 RENE' MARIE EVANKO, CSR #6404, DULY APPOINTED
21 AND SWORN AS THE OFFICIAL STENOGRAPHIC REPORTER
OF THE LOS ANGELES COUNTY GRAND JURY.
22
23
24
25

26 VOLUME 2 OF 3 VOLUMES
27 PAGES 151 THROUGH 337, INCL.
28

COPY

RENE' MARIE EVANKO, CSR #6404
OFFICIAL REPORTER

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1 LOS ANGELES, CALIFORNIA; TUESDAY, MAY 7, 2019

2 9:23 A.M.

3 -000-

4
5 (AT THE BEGINNING OF THE PROCEEDINGS,
6 23 GRAND JURORS WERE PRESENT.)
7

8 MS. AENLLE-ROCHA: GOOD MORNING, MADAM FOREPERSON.
9 THE FOREPERSON: GOOD MORNING.

10 MS. AENLLE-ROCHA: SO TODAY IS THE SECOND DAY. SO
11 I'M GOING TO ASK YOU TO CALL THE HEARING TO ORDER, BUT NOT
12 TO SWEAR THE COURT REPORTER BECAUSE WE ALREADY SWORE HER
13 IN. OKAY?

14 THE FOREPERSON: OKAY.

15 MS. AENLLE-ROCHA: SO, MADAM FOREPERSON, WOULD YOU
16 PLEASE CALL THIS GRAND JURY HEARING TO ORDER. SO ORDERED?

17 THE FOREPERSON: SO ORDERED.

18 MS. AENLLE-ROCHA: THANK YOU.

19 WOULD THE SECRETARY PLEASE CALL THE ROLL.
20

21 (THE SECRETARY CALLED THE ROLL.)
22

23 MS. AENLLE-ROCHA: THANK YOU, MADAM SECRETARY.

24 PLEASE LET THE RECORD REFLECT THAT THERE
25 ARE 23 GRAND JURORS PRESENT. ALSO PRESENT ARE DEPUTY
26 DISTRICT ATTORNEY JOHN MC KINNEY AND MYSELF, THE GRAND
27 JURY LEGAL ADVISOR.

28 AND, MR. MC KINNEY, IS YOUR FIRST WITNESS

1 OF THE DAY WITNESS #1?

2 MR. MC KINNEY: YES.

3 MS. AENLLE-ROCHA: LET'S CALL FOR WITNESS #1.

4
5 (THE WITNESS ENTERED THE GRAND JURY
6 HEARING ROOM.)

7
8 MS. AENLLE-ROCHA: JUST STAND NEXT TO THE FLAG,
9 RAISE YOUR RIGHT HAND, AND FACE THE FOREPERSON. SHE'S
10 GOING TO SWEAR YOU IN.

11
12
13 WITNESS #1,
14 CALLED AS A WITNESS BEFORE THE GRAND JURY
15 OF THE COUNTY OF LOS ANGELES, WAS SWORN
16 AND TESTIFIED AS FOLLOWS:

17
18 THE FOREPERSON: DO YOU SOLEMNLY STATE THAT THE
19 EVIDENCE YOU SHALL GIVE IN THIS MATTER NOW PENDING BEFORE
20 THE GRAND JURY OF THE COUNTY OF LOS ANGELES SHALL BE THE
21 TRUTH, THE WHOLE TRUTH, AND NOTHING BUT THE TRUTH, SO HELP
22 YOU GOD?

23 THE WITNESS: YES.

24 MS. AENLLE-ROCHA: GO AHEAD AND TAKE THAT SEAT,
25 PLEASE.

26 MADAM FOREPERSON, MR. MC KINNEY NEEDS TO
27 RETRIEVE A DOCUMENT WITH YOUR PERMISSION. SO ORDERED?

28 SAY, "SO ORDERED."

1 THE FOREPERSON: SO ORDERED.

2 MS. AENLLE-ROCHA: OKAY. THANK YOU.

3

4 (DEPUTY DISTRICT ATTORNEY MC KINNEY
5 EXITED THE GRAND JURY HEARING ROOM.)

6

7 (PAUSE IN PROCEEDINGS.)

8

9 (DEPUTY DISTRICT ATTORNEY MC KINNEY
10 ENTERED THE GRAND JURY HEARING ROOM.)

11

12 MS. AENLLE-ROCHA: AND MR. MC KINNEY HAS REENTERED
13 THE HEARING ROOM.

14 THANK YOU.

15 GOOD MORNING.

16 THE WITNESS: GOOD MORNING.

17 MS. AENLLE-ROCHA: DID YOU LEAVE YOUR CELL PHONE
18 OUTSIDE?

19 THE WITNESS: YES.

20 MS. AENLLE-ROCHA: DO YOU HAVE ANY RECORDING
21 DEVICES ON YOU?

22 THE WITNESS: NO.

23 MS. AENLLE-ROCHA: OKAY. YOU ARE GOING TO BE
24 LABELED IN OUR RECORD AS "WITNESS #1." DO YOU UNDERSTAND
25 THAT?

26 THE WITNESS: UNDERSTAND.

27 MS. AENLLE-ROCHA: OKAY. SO YOU'RE NOT GOING TO
28 SAY YOUR NAME OR MAKE REFERENCE TO YOUR NAME. ALL RIGHT?

1 THE WITNESS: ALL RIGHT.

2 MS. AENLLE-ROCHA: AT THIS TIME. OKAY.

3 SO I NEED TO GO OVER A COUPLE OF THINGS
4 WITH YOU BEFORE WE START. THE FIRST IS IT'S VERY
5 IMPORTANT WHEN YOU'RE ANSWERING QUESTIONS THAT YOU MAKE
6 SURE THAT IF THE QUESTION CALLS FOR A YES OR NO RESPONSE
7 THAT YOU ANSWER "YES" OR "NO" INSTEAD OF "UH-HUH" OR
8 "YEAH" OR SOMETHING THAT ISN'T REALLY ABSOLUTELY CLEAR
9 BECAUSE THEN THE RECORD MAY NOT ACCURATELY REFLECT YOUR
10 ANSWER.

11 I KNOW YOU WERE JUST SPEAKING WITH
12 MR. MC KINNEY, AND I'VE BEEN SPEAKING WITH HIM FOR A
13 WHILE, AND WHEN YOU HAVE A NORMAL CONVERSATION WITH
14 SOMEONE YOU MIGHT INTERRUPT THEIR QUESTIONS BECAUSE YOU
15 KNOW WHAT THE QUESTION IS BEFORE HEARING THE WHOLE
16 QUESTION TO GIVE AN ANSWER, BUT YOU CAN'T DO THAT HERE. I
17 NEED THE FULL QUESTION ON THE RECORD AND THEN I NEED TO
18 HAVE YOUR ANSWER.

19 SO I NEED YOU TO GIVE US CLEAR RESPONSES
20 AND TO WAIT UNTIL HE FINISHES WITH THE QUESTION BEFORE YOU
21 ANSWER.

22 CAN YOU DO THAT FOR ME?

23 THE WITNESS: I UNDERSTAND.

24 MS. AENLLE-ROCHA: OKAY. IF YOU FORGET, DON'T
25 WORRY, I'LL REMIND YOU. NOT TO MAKE YOU FEEL
26 UNCOMFORTABLE, BUT JUST TO MAKE SURE THAT OUR RECORD IS
27 CLEAR. SO THAT'S MY JOB HERE JUST TO DO THAT. SO I MAY
28 SAY DO YOU MEAN YES OR DO YOU MEAN NO. MR. MC KINNEY

1 MIGHT SAY THAT AS WELL. I TEND TO DO THAT MORE THAN HE
2 DOES. SO I JUST WANT TO MAKE SURE THAT THE RECORD IS
3 CLEAR. OKAY?

4 THE WITNESS: OKAY.

5 MS. AENLLE-ROCHA: ALL RIGHT.

6 THE NEXT THING THAT I NEED TO DISCUSS WITH
7 YOU IS I AM HOLDING AN IMMUNITY AGREEMENT. IT WAS DATED
8 YESTERDAY. AND IT HAS UNDER "NAME OF WITNESS" A SIGNATURE
9 THERE AND THEN IT HAS "COUNSEL FOR WITNESS," A SIGNATURE
10 FOR GREGORY BRENNER, B-R-E-N-N-E-R. IS THAT YOUR LAWYER?

11 THE WITNESS: YES.

12 MS. AENLLE-ROCHA: DID YOU MEET WITH MR. BRENNER
13 YESTERDAY?

14 THE WITNESS: YES.

15 MS. AENLLE-ROCHA: OKAY. AND THEN THERE'S A
16 SIGNATURE OF A DEPUTY DISTRICT ATTORNEY AS WELL.

17 THE LAWYER WAS PROVIDED TO YOU BY THE
18 SUPERIOR COURT, CORRECT?

19 THE WITNESS: CORRECT.

20 MS. AENLLE-ROCHA: OKAY. AND WHEN YOU MET WITH
21 MR. BRENNER YESTERDAY, DID HE GO OVER THIS DOCUMENT FULLY
22 WITH YOU?

23 THE WITNESS: YES.

24 MS. AENLLE-ROCHA: SO I'M GONNA ASK YOU SOME
25 QUESTIONS REGARDING THIS DOCUMENT AND THIS DOCUMENT ONLY
26 AND YOUR CONVERSATIONS WITH YOUR LAWYER. IF YOU'RE ASKED
27 A QUESTION AND THE ONLY WAY YOU CAN ANSWER THAT QUESTION
28 IS BY SAYING "MY LAWYER TOLD ME," THEN YOU'RE NOT TO

1 ANSWER THAT QUESTION BECAUSE OTHER COMMUNICATIONS BETWEEN
2 YOU AND YOUR LAWYER ARE WHAT WE CALL PRIVILEGED AND YOU
3 HAVE THE RIGHT NOT TO DISCLOSE THEM.

4 IF YOU NEED TO SPEAK WITH MR. BRENNER --
5 AND I SPOKE WITH HIM YESTERDAY AND HE SAID HE'D BE
6 AVAILABLE TODAY. I HAVE HIS CARD. SO IF WITH ANY OF THE
7 QUESTIONS YOU FEEL THAT YOU NEED TO TALK WITH HIM BEFORE
8 YOU ANSWER THE QUESTION, YOU JUST LET ME KNOW. I'LL LET
9 YOU LEAVE THE ROOM AND CONTACT HIM -- BECAUSE I KNOW HE'S
10 IN THE BUILDING. IF HE'S NOT OUTSIDE, HE'S IN THE
11 BUILDING. -- AND DISCUSS THAT WITH HIM BEFORE ANSWERING.
12 DO YOU UNDERSTAND THAT?

13 THE WITNESS: I UNDERSTAND.

14 MS. AENLLE-ROCHA: SO IF I GIVE YOU THE HAND AND
15 SAY, "DON'T ANSWER THAT," IT'S BECAUSE I BELIEVE YOU MAY
16 BE SAYING SOMETHING THAT COULD VIOLATE THAT PRIVILEGE THAT
17 YOU HAVE WITH YOUR LAWYER. OKAY?

18 THE WITNESS: OKAY.

19 MS. AENLLE-ROCHA: OKAY. NOW, AS -- AS TO THIS
20 AGREEMENT, I'M GONNA ASK YOU QUESTIONS ABOUT WHAT HE --
21 YOU AND HE DISCUSSED. THIS IS AN IMMUNITY AGREEMENT.
22 IT'S A USE IMMUNITY AGREEMENT. AND WHAT THIS AGREEMENT
23 ESSENTIALLY SAYS IS THAT IRRESPECTIVE OF ANYTHING THAT YOU
24 TESTIFY TO TODAY, IF SOMETHING YOU SAY COULD CAUSE THE
25 DISTRICT ATTORNEY'S OFFICE TO FILE CRIMINAL CHARGES
26 AGAINST YOU OR ANY PROSECUTORIAL AGENCY, BUT SPECIFICALLY
27 THE DISTRICT ATTORNEY'S OFFICE, YOU ARE IMMUNIZED, AND
28 THAT MEANS THAT YOU WILL NOT BE CHARGED. YOU CAN ANSWER

1 ALL OF THESE QUESTIONS AND NOTHING YOU SAY WILL BE USED
2 AGAINST YOU.

3 IS THAT YOUR UNDERSTANDING OF THIS
4 AGREEMENT?

5 THE WITNESS: UNDERSTANDING.

6 MS. AENLLE-ROCHA: AND IS IT FURTHER YOUR
7 UNDERSTANDING THAT IF YOU ANSWER A QUESTION AND YOU'RE NOT
8 A HUNDRED PERCENT TRUTHFUL, BECAUSE YOU CAN'T BE 90
9 PERCENT, EVEN 99, IT HAS TO BE A HUNDRED PERCENT, THEN
10 THIS AGREEMENT WILL BE NULL AND VOID AND YOUR -- IF IT'S
11 DETERMINED THAT YOU DIDN'T TELL THE TRUTH IN YOUR
12 TESTIMONY, THEN YOU WOULD BE ABLE TO BE PROSECUTED FOR
13 ANYTHING THAT YOU SAY WHILE SITTING IN THAT CHAIR IN
14 RESPONDING TO QUESTIONS FROM MR. MC KINNEY BECAUSE YOU
15 WOULD HAVE VIOLATED THIS CONTRACT. THE IMMUNITY AGREEMENT
16 IS A CONTRACT. DO YOU UNDERSTAND THAT?

17 THE WITNESS: I UNDERSTAND.

18 MS. AENLLE-ROCHA: DID YOU DISCUSS THOSE THINGS
19 WITH YOUR LAWYER?

20 THE WITNESS: YES, HE DID.

21 MS. AENLLE-ROCHA: SO HE WENT OVER THAT WITH YOU?

22 THE WITNESS: YES.

23 MS. AENLLE-ROCHA: FULLY?

24 THE WITNESS: YES.

25 MS. AENLLE-ROCHA: HE ANSWERED ANY QUESTIONS YOU
26 HAD REGARDING THIS AGREEMENT AND YOUR TESTIMONY?

27 THE WITNESS: YES.

28 MS. AENLLE-ROCHA: AND AT THIS TIME IS THERE ANY

1 REASON WHY YOU NEED TO HAVE A CONVERSATION WITH HIM BEFORE
2 WE BEGIN?

3 THE WITNESS: NO.

4 MS. AENLLE-ROCHA: OKAY. AND DO YOU RECALL THAT I
5 SAID IF YOU BELIEVE YOU DO, JUST LET ME KNOW AND SAY, "I
6 NEED TO SPEAK WITH MY LAWYER," AND YOU'LL BE ALLOWED TO
7 LEAVE THE HEARING ROOM AND TO HAVE A CONVERSATION WITH
8 HIM?

9 THE WITNESS: YES.

10 MS. AENLLE-ROCHA: OKAY?

11 THE WITNESS: OKAY.

12 MS. AENLLE-ROCHA: ALL RIGHT. OKAY.

13 SO LET ME GIVE YOU A CLARIFICATION. I
14 MIGHT HAVE MISSPOKE.

15 THIS AGREEMENT PREVENTS THE DISTRICT
16 ATTORNEY'S OFFICE FROM USING YOUR TESTIMONY AGAINST YOU.
17 IS THAT YOUR UNDERSTANDING OF WHAT THIS IS?

18 THE WITNESS: YES.

19 MS. AENLLE-ROCHA: IT DOESN'T ACTUALLY PREVENT YOU
20 FROM BEING CHARGED IF THE SOURCE OF THE EVIDENCE AGAINST
21 YOU DOESN'T COME FROM TESTIMONY THAT YOU GIVE HERE. IS
22 THAT YOUR UNDERSTANDING?

23 THE WITNESS: NO.

24 MS. AENLLE-ROCHA: SO LET ME EXPLAIN THAT. THIS IS
25 A USE AGREEMENT. SO THE DISTRICT ATTORNEY'S OFFICE CANNOT
26 USE YOUR TESTIMONY AGAINST YOU. OKAY?

27 THE WITNESS: OKAY.

28 MS. AENLLE-ROCHA: BUT IF FOR SOME REASON THE

1 DISTRICT ATTORNEY'S OFFICE BELIEVES THAT YOU HAVE NOT
2 PERHAPS FULFILLED YOUR -- THIS AGREEMENT AND BELIEVES THAT
3 THERE ARE CHARGES THAT ARE SUPPORTED BY EVIDENCE THAT HAS
4 NOTHING TO DO WITH WHAT YOU SAY HERE, YOU COULD BE
5 CHARGED. DO YOU UNDERSTAND THE DIFFERENCE?

6 THE DISTRICT ATTORNEY'S OFFICE CAN'T USE
7 YOUR TESTIMONY AGAINST YOU.

8 THE WITNESS: OKAY.

9 MS. AENLLE-ROCHA: OKAY?

10 THE WITNESS: OKAY.

11 MS. AENLLE-ROCHA: SO WHATEVER YOU SAY HERE CANNOT
12 BE USED AGAINST YOU.

13 THE WITNESS: OKAY.

14 MS. AENLLE-ROCHA: DO YOU UNDERSTAND THAT?

15 THE WITNESS: I UNDERSTAND.

16 MS. AENLLE-ROCHA: DID YOUR LAWYER TELL YOU THAT?

17 THE WITNESS: NO.

18 MS. AENLLE-ROCHA: OKAY. SO WHY DON'T YOU -- DO
19 YOU WANT TO HAVE A CHANCE TO GO AND SPEAK TO HIM ABOUT
20 THAT?

21 THE WITNESS: YES.

22 MS. AENLLE-ROCHA: OKAY. DO YOU HAVE HIS CARD AND
23 HIS PHONE NUMBER?

24 THE WITNESS: I DON'T HAVE IT WITH ME.

25 MS. AENLLE-ROCHA: I'M JUST -- I HAVE HIS CARD. SO
26 I'M JUST GONNA GIVE THIS TO YOU. IF YOU COULD GIVE IT
27 BACK TO ME OR YOU CAN ASK THEM OUTSIDE TO MAKE A COPY OF
28 IT AND THEN -- AND I CAN KEEP THE COPY AND YOU CAN KEEP

1 THE CARD. ALL RIGHT?

2 THE WITNESS: ALL RIGHT.

3 MS. AENLLE-ROCHA: SO, MADAM FOREPERSON, WITH YOUR
4 PERMISSION, WE'RE GOING TO ALLOW THE WITNESS TO LEAVE THE
5 HEARING ROOM.

6 DO YOU HAVE A CELL PHONE OUTSIDE?

7 THE WITNESS: YES.

8 MS. AENLLE-ROCHA: ALL RIGHT. AND TO CONTACT HER
9 LAWYER TO DISCUSS THE USE IMMUNITY AGREEMENT. OKAY?

10 AND YOU DON'T HAVE A COPY OF THIS, DO YOU?

11 THE WITNESS: NO.

12 MS. AENLLE-ROCHA: I'M GOING TO LET YOU HAVE THIS
13 COPY WHICH I'LL NEED BACK. WE'LL MAKE A COPY OF THIS FOR
14 YOU IF YOU DON'T HAVE -- IF YOU DON'T HAVE ONE TODAY.

15 MR. MC KINNEY: I HAVE A COPY FOR HER OUTSIDE.

16 MS. AENLLE-ROCHA: OKAY. I'M GONNA HAVE
17 MR. MC KINNEY ESCORT YOU OUT. I'M GONNA GIVE HIM THE
18 CARD, WITH THE FOREPERSON'S PERMISSION, AND THEN HE'S
19 GONNA COME BACK IN. AND YOU'LL BE OUTSIDE. HAVE A
20 DISCUSSION WITH YOUR LAWYER. WHEN YOU'RE FINISHED, THEN
21 YOU LET US KNOW AND YOU CAN COME BACK IN. OKAY?

22 THE WITNESS: OKAY.

23 MS. AENLLE-ROCHA: ALL RIGHT.

24 AND WE'LL CALL ANOTHER WITNESS.

25

26 (DEPUTY DISTRICT ATTORNEY MC KINNEY AND
27 THE WITNESS EXITED THE GRAND JURY
28 HEARING ROOM.)

1 (PAUSE IN PROCEEDINGS.)

2
3 (DEPUTY DISTRICT ATTORNEY MC KINNEY
4 ENTERED THE GRAND JURY HEARING ROOM.)

5
6 MS. AENLLE-ROCHA: WE'RE BACK ON THE RECORD.

7 THE WITNESS LEFT THE HEARING ROOM AND
8 MR. MC KINNEY HAS RETURNED.

9 AND YOUR NEXT WITNESS.

10 MR. MC KINNEY: THE PEOPLE CALL JOHN JAMISON.

11 MS. AENLLE-ROCHA: I DO NOT SEE MR. JAMISON'S NAME
12 ON OUR WITNESS LIST.

13 SO, GRAND JURORS, I'M GONNA ASK YOU IF --
14 IS THIS A LAW ENFORCEMENT OFFICER?

15 MR. MC KINNEY: YES.

16 MS. AENLLE-ROCHA: OKAY. IT'S A LAW ENFORCEMENT
17 OFFICER. SO I'M GOING TO ASK THE GRAND JURORS IF THE
18 INCLUSION OF THIS WITNESS --

19
20 (THE WITNESS ENTERED THE GRAND JURY
21 HEARING ROOM.)

22
23 MS. AENLLE-ROCHA: IF YOU COULD JUST STAND NEXT TO
24 THE FLAG. JUST ONE SECOND.

25 -- WOULD CAUSE YOU TO -- WOULD PREVENT YOU
26 FROM ACTING IMPARTIALLY AND WITHOUT PREJUDICE TO THE
27 SUBSTANTIAL RIGHTS OF ANY OF THE SAID PARTIES, I'M GOING
28 TO ASK THAT YOU RETIRE AND -- RAISE YOUR HAND SO THE

1 FOREPERSON CAN SEE IF THE INCLUSION OF THIS WITNESS IN ANY
2 WAY AFFECTS YOUR ABILITY TO BE FAIR AND IMPARTIAL.

3 DO YOU SEE ANY HANDS, MADAM FOREPERSON?

4 THE FOREPERSON: I SEE NO HANDS.

5 MS. AENLLE-ROCHA: THANK YOU, MADAM FOREPERSON.
6 IF YOU WOULD GO AHEAD AND SWEAR THE WITNESS.

7 PLEASE RAISE YOUR RIGHT HAND.
8
9

10 JOHN JAMISON,

11 CALLED AS A WITNESS BEFORE THE GRAND JURY
12 OF THE COUNTY OF LOS ANGELES, WAS SWORN
13 AND TESTIFIED AS FOLLOWS:
14

15 THE FOREPERSON: DO YOU SOLEMNLY STATE THAT THE
16 EVIDENCE YOU SHALL GIVE IN THIS MATTER NOW PENDING BEFORE
17 THE GRAND JURY OF THE COUNTY OF LOS ANGELES SHALL BE THE
18 TRUTH, THE WHOLE TRUTH, AND NOTHING BUT THE TRUTH, SO HELP
19 YOU GOD?

20 THE WITNESS: YES.

21 MS. AENLLE-ROCHA: THANK YOU SO MUCH. GO AHEAD AND
22 TAKE THAT SEAT, PLEASE.

23 AND ADJUST THAT MICROPHONE SO YOU CAN SPEAK
24 RIGHT INTO THE MICROPHONE.

25 GOOD MORNING.

26 THE WITNESS: GOOD MORNING.

27 MS. AENLLE-ROCHA: DID YOU LEAVE YOUR CELL PHONE
28 OUTSIDE?

1 THE WITNESS: YES, MA'AM.

2 MS. AENLLE-ROCHA: DO YOU HAVE ANY RECORDING
3 DEVICES ON YOU?

4 THE WITNESS: NO.

5 MS. AENLLE-ROCHA: PLEASE TELL US YOUR FULL NAME
6 AND THEN SPELL YOUR FULL NAME FOR THE RECORD.

7 THE WITNESS: FIRST NAME IS JOHN, J-O-H-N, LAST OF
8 NAME JAMISON, J-A-M-I-S-O-N.

9 MS. AENLLE-ROCHA: J-A-M-I-S-O-N?

10 THE WITNESS: YES, MA'AM.

11 MS. AENLLE-ROCHA: THANK YOU SO MUCH.

12 MADAM FOREPERSON, WITH YOUR PERMISSION, MAY
13 MR. MC KINNEY PROCEED?

14 THE FOREPERSON: YES.

15

16

17 EXAMINATION

18

19 BY MR. MC KINNEY:

20 Q GOOD MORNING.

21 A GOOD MORNING, SIR.

22 Q WHAT IS YOUR OCCUPATION?

23 A I AM A DETECTIVE SUPERVISOR FOR THE
24 LOS ANGELES POLICE DEPARTMENT, SOUTH BUREAU HOMICIDE
25 DIVISION.

26 Q HOW LONG HAVE YOU BEEN A PEACE OFFICER?

27 A APPROXIMATELY 23 YEARS.

28 Q WHAT WAS YOUR ASSIGNMENT BACK ON MARCH 31ST

1 OF THIS YEAR?

2 A I WAS ASSIGNED TO THE SOUTH BUREAU HOMICIDE
3 DIVISION, INTEL SQUAD TEAM. I WAS A SUPERVISOR ON THAT
4 EVENING AND WAS CALLED OUT TO THE AREA OF CRENSHAW RELATED
5 TO THE MURDER THAT HAD OCCURRED THERE TO ASSIST THE
6 INVESTIGATING OFFICERS IN RECOVERING VIDEO SURVEILLANCE
7 CAMERAS IN THE AREA.

8 Q OKAY. I'D LIKE YOU TO TAKE A LOOK AT
9 WHAT'S BEING DISPLAYED FOR THE GRAND JURY. THIS IS GRAND
10 JURY EXHIBIT NUMBER 24.

11 A YES.

12 Q IF YOU BALANCE THAT MONITOR, IT SHOULD STAY
13 UP.

14 A GIVE ME A SECOND. OH, BOY. I CAN HOLD IT.
15 MS. AENLLE-ROCHA: IF YOU HAVE IT JUST --
16 THE WITNESS: JUST RIGHT?

17 MS. AENLLE-ROCHA: YEAH. THERE YOU GO. PERFECT.
18 BY MR. MC KINNEY:

19 Q OKAY. DO YOU RECOGNIZE WHAT'S BEING SHOWN
20 IN THIS EXHIBIT?

21 A I DO.

22 Q WHAT DOES IT SHOW?

23 A IT SHOWS THE AREA OF THE HOMICIDE THAT I
24 RESPONDED TO WITH AN ARROW OF SOME CAMERAS NEAR A SHELL
25 STATION THAT MY PARTNER, DETECTIVE TEUBERT, T-E-U-B-E-R-T,
26 AND I RECOVERED CAMERAS FROM.

27 Q OKAY. SO YOU WENT OUT ON THE 31ST
28 SPECIFICALLY TO CANVASS THE LOCATION SHOWN IN THIS EXHIBIT

1 FOR POTENTIAL VIDEO EVIDENCE; IS THAT CORRECT?

2 A YES, SIR.

3 Q DID YOU GO TO A PARTICULAR BUSINESS AND
4 SUCCESSFULLY RECOVER SOME VIDEO EVIDENCE?

5 A YES.

6 Q WHERE DID YOU GO?

7 A I WENT TO THE SHELL STATION WHICH IS
8 DEPICTED HERE ON THE LEFT SIDE OF THE SCREEN. I BELIEVE
9 THE ADDRESS IS 5805 CRENSHAW BOULEVARD.

10 Q AND IS IT LABELED -- IS IT LABELED IN THIS
11 EXHIBIT WITH "CAM 6," "CAM 5," AND "CAM 21" WITH
12 RESPECTIVE ARROWS?

13 A YES.

14 Q TELL US HOW MUCH VIDEO OR WHAT TYPE OF
15 VIDEO YOU COLLECTED AT THAT LOCATION.

16 A ON THAT EVENING I, ALONG WITH MY PARTNER,
17 RECOVERED APPROXIMATELY AN HOUR AND A HALF WORTH OF VIDEO.
18 I RESPONDED TO THE SHELL STATION ABOUT 1900, ABOUT
19 SEVEN O'CLOCK THAT EVENING. I REVIEWED THE SURVEILLANCE
20 SYSTEM AND OBSERVED THAT IT WAS ABOUT 67 MINUTES SLOW. SO
21 DOING THE MATH, THE TIME OF THE INCIDENT, MY PARTNER AND I
22 RECOVERED VIDEO FROM APPROXIMATELY -- IF I COULD LOOK AT
23 MY NOTES -- 1300, ONE O'CLOCK, UNTIL 3:30 IN THE
24 AFTERNOON.

25 Q OKAY. DID YOU COLLECT VIDEO FROM THREE
26 DIFFERENT CAMERA VIEWS?

27 A YES.

28 Q WAS THE VIDEO LABELED AS "CAM 5," "CAM 6"

1 AND "CAM 21"?

2 A EXACTLY.

3 MS. AENLLE-ROCHA: EXCUSE ME. YOU CAN REFRESH YOUR
4 RECOLLECTION, BUT YOU JUST NEED TO LET US KNOW AND GET
5 PERMISSION FROM THE FOREPERSON.

6 SO, MADAM FOREPERSON, IF THE WITNESS NEEDS
7 TO REFRESH HIS RECOLLECTION, MAY HE DO SO WITHOUT HAVING
8 TO ASK EVERY TIME?

9 THE FOREPERSON: YES.

10 MS. AENLLE-ROCHA: OKAY.

11 BUT JUST LET US KNOW IF YOU NEED TO REFRESH
12 YOUR RECOLLECTION BEFORE DOING THAT. OKAY?

13 THE WITNESS: YES, MA'AM.

14 MS. AENLLE-ROCHA: THANK YOU.

15 THE WITNESS: THANK YOU.

16 MS. AENLLE-ROCHA: GO AHEAD.

17 BY MR. MC KINNEY:

18 Q HOW OFTEN HAVE YOU GONE OUT TO A CRIME
19 SCENE AND COLLECTED VIDEO?

20 A NUMEROUS OF TIMES. HUNDREDS OF TIMES.

21 Q DO YOU HAVE ANY PARTICULAR BACKGROUND,
22 TRAINING OR EXPERIENCE IN VIDEO SURVEILLANCE SYSTEMS?

23 A WELL, THE UNIT THAT I'M CURRENTLY ASSIGNED
24 TO, ONE OF ITS MAJOR FUNCTIONS IS TO RECOVER VIDEO. SO WE
25 GO OUT ON A DAILY BASIS, ALONG WITH THE PARTNERS IN MY
26 UNIT, AND WE RECOVER VIDEO. A LOT OF MY TRAINING IS HANDS
27 ON OR HAVE BEEN TRAINED BY MEMBERS OF THE UNIT WHO HAVE
28 ATTENDED T.I.D., TECHNICAL INVESTIGATION DIVISION TRAINING

1 THROUGH OUR DEPARTMENT. SO THROUGH HANDS-ON TRAINING AND
2 BEING TRAINED BY THEM I HAVE BECOME FAMILIAR WITH
3 DOWNLOADING VIDEO SURVEILLANCE.

4 Q AND DO YOU UNDERSTAND IN YOUR JOB THAT
5 SOMETHING THAT IS IMPORTANT IS TO DETERMINE WHETHER OR NOT
6 ANY TIME STAMP ON THE VIDEO YOU'RE LOOKING AT IS ACCURATE?

7 A YES. THE FIRST THING THAT I DO OR WE DO AS
8 A UNIT UPON ARRIVING IS TO CHECK -- IN OUR CASE -- OR IN
9 MY CASE I'LL CHECK MY IPHONE FOR THE TIME THAT I'M AT THE
10 LOCATION AGAINST THE VIDEO SURVEILLANCE TIME. WE HAVE A
11 FORM THAT WE FILL OUT THAT WE SORT OF DO THE MATH ON WHAT
12 THE VIDEO SURVEILLANCE UNIT SAYS, WHAT THE ACTUAL TIME IS.
13 YOU DO THE MATH TO FIND OUT WHAT TIME YOU ACTUALLY WANT TO
14 DOWNLOAD FROM THE VIDEO AS OPPOSED TO WHEN IT HAPPENED IN
15 REALTIME.

16 Q AND DID YOU ATTEMPT TO VALIDATE THE TIME
17 THAT WAS STAMPED ON THE DIFFERENT CAM FOOTAGE FROM THE
18 SHELL STATION?

19 A YES.

20 Q AND DID YOU DETERMINE WHETHER OR NOT THE
21 TIME STAMP ON THE VIDEO WAS ACCURATE OR INACCURATE?

22 A IT WAS INACCURATE. IT WAS 67 MINUTES SLOW.

23 Q OKAY. DID YOU HAVE AN OPPORTUNITY TO
24 REVIEW FOOTAGE FROM THE TIME PERIOD THAT YOU WERE
25 INTERESTED IN THAT -- MEANING FROM THE AFTERNOON, EARLIER
26 IN THE AFTERNOON?

27 A YES.

28 Q AND DID YOU DO THAT WHILE YOU WERE AT THE

1 LOCATION?

2 A YES. UPON DOWNLOADING THE VIDEO ONTO A
3 HARD DRIVE OR TO AN EXTERNAL HARD DRIVE, I THEN PLACE IT
4 INTO A LAPTOP, REVIEW IT TO MAKE SURE THAT, A, IT WAS
5 DOWNLOADED SUCCESSFULLY, AND, B, THAT IT COVERED -- WE
6 DIDN'T MAKE A MISTAKE WITH OUR TIMES, WHICH SOMETIMES WE
7 DO, AND THAT IT ACCURATELY CAPTURED THE INCIDENT THAT WE
8 ARE TRYING TO VIEW.

9 Q OKAY. NOW, THIS EXHIBIT, GRAND JURY
10 EXHIBIT 24, IS LABELED ABOVE THE SHELL STATION CAM 5, 6,
11 AND CAM 21, AND THEN THERE ARE CORRESPONDING ARROWS THAT
12 PURPORT TO SHOW WHAT DIRECTION THOSE CAMERAS WERE POINTED.
13 IS THIS EXHIBIT ACCURATE TO THAT EXTENT?

14 A YES, IT IS.

15 Q OKAY. I WANT TO SHOW YOU SOME VIDEO AND
16 ASK YOU WHETHER OR NOT YOU RECOGNIZE IT AS VIDEO THAT YOU
17 COLLECTED FROM THAT LOCATION ON THAT DAY. AND THE GRAND
18 JURORS HAVE ALREADY SEEN VIDEO FROM CAM 6 SO I WON'T SHOW
19 ALL OF IT, BUT JUST A PERSPECTIVE.

20 THIS IS CAM 6 AND IT STARTS -- ON THIS
21 PARTICULAR CLIP IT STARTS AT 13:40.

22 A YES.

23 Q OKAY. NOW, LET'S DO A LITTLE MATH HERE.
24 THIS IS MILITARY TIME, CORRECT?

25 A YES.

26 Q IF THIS TIME WERE ACCURATE, WHAT TIME WOULD
27 IT BE IN LAYMAN'S TERMS?

28 A IF IT WAS ACCURATE, IT WOULD BE 1:40 IN THE

1 AFTERNOON.

2 Q OKAY. NOW, YOU SAID IT WAS 67 MINUTES
3 SLOW, CORRECT?

4 A YES.

5 Q SO WHAT IS THE TRUE AND ACCURATE TIME THAT
6 THIS IMAGE WAS RECORDED?

7 A PLUS 67 MINUTES. ON THE STAND IN FRONT OF
8 30 PEOPLE --

9 Q HOW ABOUT 2:47?

10 A YES. EXACTLY.

11 Q SO THIS FOOTAGE, THIS IS GRAND JURY EXHIBIT
12 NUMBER 11, CAM 6, STARTS AT, IN TRUE ACCURATE TIME, 2:47
13 IN THE AFTERNOON, CORRECT?

14 A YES, SIR.

15 Q AND I'LL JUST PLAY A LITTLE BIT OF IT.

16

17 (EXHIBIT 11, CAM 6, PLAYED.)

18

19 BY MR. MC KINNEY:

20 Q THIS VIDEO CAMERA IS AFFIXED TO A SHELL
21 STATION, CORRECT?

22 A YES.

23 Q AND DOES THAT SHELL STATION HAVE A CAR WASH
24 AT THE BACK OF IT?

25 A IT DOES.

26 Q AND IT APPEARS THAT THIS CAMERA'S PRIMARILY
27 INTENDED TO CAPTURE THE EXIT OF THE CAR WASH?

28 A TRUE.

1 Q BUT AS IT IS, IT ALSO PICKS UP A GOOD
2 PORTION OF THE MARATHON PARKING LOT, CORRECT?

3 A POINTING IN A WESTERLY DIRECTION, YES.

4 Q ALL RIGHT. I'M JUST GONNA FAST FORWARD TO
5 THE END OF THIS PARTICULAR CLIP. LET'S SEE WHAT THE LAST
6 FRAME IS.

7

8 (PAUSE IN PROCEEDINGS.)

9

10 BY MR. MC KINNEY:

11 Q OKAY. SO THE PORTION THAT I'VE INCLUDED IN
12 THIS EXHIBIT ENDS WITH THE TIME STAMP OF 14:30. AND IF WE
13 ADDED AN HOUR AND SEVEN MINUTES TO THAT, IT WOULD BE
14 15:37. IN LAYMAN'S TIME, --

15 A 3:37.

16 Q -- 3:37 IN THE AFTERNOON?

17 A YES, SIR.

18 Q AND ON THAT LAST FRAME IT APPEARS THAT
19 SOMETHING HAS HAPPENED IN THIS PARKING LOT. WE SEE SOME
20 POLICE TAPE. WE SEE SOME INDIVIDUALS STANDING AROUND; IS
21 THAT CORRECT?

22 A THAT IS TRUE.

23 Q LET ME SHOW YOU SOME FOOTAGE FROM A CAMERA
24 WE HAVEN'T SEEN YET, AND THAT'S CAM 5. DO YOU RECOGNIZE
25 WHAT'S SHOWN HERE?

26 A YES.

27 Q WHAT DOES IT SHOW?

28 A THIS IS THE CAMERA THAT WAS RECOVERED AT

1 THE SHELL STATION. THIS VIEW APPEARS TO SHOW THE FRONT OF
2 THE CAR WASH. WE WERE JUST LOOKING AT THE BACK WHERE THE
3 CARS COME OUT. THIS IS WHERE THE CARS GO INTO THE CAR
4 WASH AND IT'S POINTED SORT OF IN A SOUTHWESTERLY DIRECTION
5 SHOWING THE ALLEY THAT IS JUST TO THE WEST OF THE SHELL
6 STATION WHICH IS JUST TO THE EAST OF THE PARKING LOT WHERE
7 THE MURDER OCCURRED.

8 Q OKAY. IF ONE WERE TO WALK THROUGH THE
9 ALLEY AWAY FROM THE GAS STATION IN THE SAME DIRECTION THAT
10 THAT WHITE PICK-UP TRUCK IS POINTED, IF ONE WERE TO WALK
11 DIRECTLY THROUGH THE ALLEY, WOULD ONE EVENTUALLY COME TO
12 58TH PLACE?

13 A EXACTLY.

14 Q I'M GONNA PLAY A LITTLE BIT OF THIS VIDEO,
15 BUT THEN I'LL GO TO A PARTICULAR POINT IN THE VIDEO.

16 MS. AENLLE-ROCHA: I'M SORRY, WHICH CAMERA IS THIS?
17 CAMERA 5?

18 MR. MC KINNEY: YES.

19 MS. AENLLE-ROCHA: THANK YOU.

20 BY MR. MC KINNEY:

21 Q LET ME DIRECT YOUR ATTENTION TO THE TOP OF
22 THE SCREEN HERE, THIS FIXED OBJECT AT THE TOP OF THE
23 SCREEN. DO YOU KNOW WHAT THAT IS?

24 A IT LOOKS LIKE A CAMERA POLE.

25 Q THIS BLACK THING HERE I'M POINTING TO, IT'S
26 SORT OF DIRECTLY BEHIND THE --

27 A I'M SORRY, I --

28 Q -- WHITE WALL.

1 A I'M SORRY, I DON'T.

2 Q OKAY. DO YOU KNOW WHAT BUSINESS IS ON THE
3 OTHER SIDE OF THIS WALL?

4 A IT IS --

5 Q FAT BURGER?

6 A FAT BURGER.

7 Q OKAY.

8 A IT IS FAT BURGER.

9 Q FAT BURGER --

10 A THAT MIGHT BE THE DRIVE-THRU. IS THAT
11 THE -- THAT'S THE DRIVE-THRU MENU PORTION OF THE FAT
12 BURGER.

13 Q OKAY. SO THIS WOULD BE A DRIVE-THRU
14 BOARD --

15 A EXACTLY.

16 Q -- FOR THE FAT BURGER RESTAURANT?

17 A YES.

18 Q I WANT TO DIRECT YOUR ATTENTION ON THIS
19 CLIP TO 14:11:01 AS IT APPEARS ON THE -- EMBEDDED ON THE
20 VIDEO.

21 ALL RIGHT. I STOPPED IT AT 14:11. JUST
22 REMIND US AGAIN. THIS WOULD BE 15:18 OR 3:18 IN THE
23 AFTERNOON, CORRECT?

24 A TRUE.

25 Q ALL RIGHT. I'M GONNA PLAY A LITTLE BIT OF
26 THE VIDEO AND DIRECT YOUR ATTENTION AND THE GRAND JURORS'
27 ATTENTION TO THE VERY RIGHT SIDE OF THE VIDEO NEAR THAT
28 WHITE TRUCK.

1 A YES.

2

3 (EXHIBIT 11, CAM 5, PLAYED.)

4

5 BY MR. MC KINNEY:

6 Q OKAY. UP TO 14:11:11 ON THE VIDEO IT
7 APPEARS A MAN WALKED BY, PLACED SOMETHING ON THE HOOD OF
8 THAT TRUCK, AND KEPT WALKING IN THAT DIRECTION. DO YOU
9 SEE THAT?

10 A YES.

11 Q DID YOU HAVE AN OPPORTUNITY TO SEE THIS AT
12 THE LOCATION WHEN YOU WERE THERE REVIEWING THE VIDEO?

13 A YES.

14 Q AND DID YOU BELIEVE THAT HAD SOME POTENTIAL
15 EVIDENTIARY VALUE TO THE CASE?

16 A YES.

17 Q LET ME GO A LITTLE BIT FURTHER TO 14:12:18.
18 ACTUALLY, START IT AT 14:12:05 AND DIRECT YOUR ATTENTION
19 TO THE SAME RIGHT SIDE OF THE VIDEO.

20

21 (EXHIBIT 11, CAM 5, PLAYED.)

22

23 BY MR. MC KINNEY:

24 Q OKAY. ENDING AT 14:12:20.

25 IT APPEARED THE SAME MAN WHO WALKED BY
26 EARLIER WENT RUNNING BACK TOWARD 58TH PLACE. DID YOU HAVE
27 AN OPPORTUNITY TO SEE THAT AS IT APPEARS HERE ON THIS
28 EXHIBIT WHILE YOU WERE AT THE LOCATION?

1 A YES.

2 Q YOU SAID YOU COLLECTED VIDEO FROM ANOTHER
3 CAMERA; IS THAT TRUE?

4 A YES.

5 Q AND THAT WOULD BE CAM 21?

6 A THAT IS TRUE.

7 Q LET ME SHOW YOU FROM GRAND JUROR EXHIBIT 11
8 CLIP CAM 21. DO YOU RECOGNIZE WHAT'S SHOWN HERE?

9 A YES. THIS IS CAMERA 21 THAT WE WERE
10 SPEAKING OF THAT IS POINTED AGAIN IN A WESTERLY DIRECTION
11 NEAR THE ENTRANCE OF THE CAR WASH OF THE SHELL STATION
12 CAPTURING THE ALLEY THAT SEPARATES THE -- SEPARATES THE
13 SHELL STATION FROM THE LOCATION OF THE SHOOTING.

14 Q I'M GONNA GO FORWARD TO 14:11:08 AS IT
15 APPEARS ON THE VIDEO TIME STAMP. I'LL START IT AT
16 14:11:05.

17

18 (EXHIBIT 11, CAM 21, PLAYED.)

19

20 BY MR. MC KINNEY:

21 Q AND I'M JUST GONNA LET IT PLAY THROUGH.

22 AT THE TOP OF THE SCREEN YOU SEE THE MAN IN
23 THE RED SHIRT, GRAY PANTS, WHITE SHOES?

24 A YES.

25 Q DOES THAT APPEAR TO BE THE SAME PERSON THAT
26 GOT PICKED UP BY CAMERA 5?

27 A YES.

28 Q GIVEN THE POSITION OF THESE TWO CAMERAS, IS

1 IT TRUE THAT IN WALKING IN THE DIRECTION THAT WE JUST SAW
2 HIM WALKING HE WOULD HAVE COME INTO VIEW OF CAMERA 5 FIRST
3 BEFORE COMING INTO VIEW OF CAMERA 21?

4 A CORRECT.

5 Q AS WE LOOK AT THE VIDEO, ON THE RIGHT-HAND
6 SIDE OF THE VIDEO, IS THAT THE MARATHON PARKING LOT?

7 A THE RIGHT-HAND SIDE, IN THE UPPER
8 RIGHT-HAND SIDE, YES.

9 Q SO IF ONE WERE WALKING IN THE DIRECTION
10 THAT I'M TRACING THIS CURSOR, AND I'M TRACING IT FROM LEFT
11 TO RIGHT AT THE TOP OF THE VIDEO, ONE WOULD BE WALKING
12 BACK TOWARD THE MARATHON PARKING LOT, CORRECT?

13 A TOWARDS THE LOCATION WHERE THE HOMICIDE
14 OCCURRED, YES.

15 Q AND AT 14:12:15 WE JUST SAW WHAT APPEARED
16 TO BE THE SAME MAN IN THE RED SHIRT RUN OPPOSITE DIRECTION
17 BACK TOWARD 58TH PLACE; IS THAT CORRECT?

18 A YES, THAT'S CORRECT. THAT WOULD BE RUNNING
19 AWAY FROM THE LOCATION OF WHERE THE HOMICIDE OCCURRED.

20 Q AND IS IT YOUR TESTIMONY THAT THIS IS VIDEO
21 THAT YOU COLLECTED THAT ACCURATELY REFLECTS WHAT YOU
22 COLLECTED ON THE DAY THAT YOU WENT OUT TO THE LOCATION?

23 A YES, SIR.

24 Q ALL RIGHT. THANK YOU.

25 MR. MC KINNEY: NO FURTHER QUESTIONS.

26 MS. AENLLE-ROCHA: GRAND JURORS, IF YOU HAVE A
27 QUESTION, PLEASE RAISE YOUR HAND SO THE SERGEANT-AT-ARMS
28 CAN COLLECT THEM.

1 AND WHILE THAT'S HAPPENING, THE -- I HAVE A
2 QUESTION JUST FOR CLARIFICATION.

3 CAMERA 6, 5, AND 21 ALL HAD THAT SAME TIME
4 LAPSE?

5 THE WITNESS: CORRECT.

6 MS. AENLLE-ROCHA: RIGHT?

7 THE WITNESS: THEY WERE ALL THE SAME -- SHOWED THE
8 SAME TIME AND THEY WERE ALL 67 MINUTES SLOW.

9 MS. AENLLE-ROCHA: OKAY. I JUST WANTED TO CLARIFY
10 THAT.

11 AND IF YOU COULD JUST VERY BRIEFLY TELL THE
12 GRAND JURORS WHAT YOUR INTEL UNIT DOES.

13 THE WITNESS: SO PRIMARILY A LOT OF WHAT WE DO
14 IS -- IS WHAT YOU SEE HERE. WE COLLECT SURVEILLANCE VIDEO
15 FROM LOCATIONS, NOT ONLY AT THE LOCATION, BUT WE CANVASS
16 THE AREA FOR ADDITIONAL SURVEILLANCE IN THE SURROUNDING
17 AREA, ENTRANCES AND EXITS, POINTS OF ESCAPE. WE ALSO
18 CANVASS WHILE WE'RE DOING VIDEO SURVEILLANCE IN AN ATTEMPT
19 TO -- WE DRESS LIKE THIS SO THAT WE CAN ATTEMPT TO TALK TO
20 CITIZENS WHO ARE SORT OF RELUCTANT TO TALK TO DETECTIVES
21 AND POLICE IN UNIFORM. SOMETIMES THEY'RE A LITTLE MORE
22 APPROACHABLE WHEN WE'RE NOT WEARING -- I WOULDN'T BE
23 WEARING MY POLICE JACKET, BUT WHEN WE'RE KIND OF IN SOFT
24 CLOTHES.

25 MS. AENLLE-ROCHA: AND IF YOU COULD EXPLAIN FOR THE
26 RECORD WHAT "THIS" IS DESCRIBING YOUR -- WHAT YOU'RE
27 WEARING RIGHT NOW.

28 THE WITNESS: I'M WEARING -- I'M WEARING A POLICE

1 JACKET SO THAT YOU CAN IDENTIFY ME AS A DETECTIVE, BUT IN
2 THE FIELD I WOULD JUST BE WEARING NORMAL CLOTHES AS
3 EVERYBODY'S WEARING HERE TODAY. I'D HAVE EVERYTHING
4 COVERED UP SO THAT --

5 MS. AENLLE-ROCHA: YOU HAVE A POLO SHIRT ON.

6 THE WITNESS: I DO, A POLO SHIRT, A GOLF SHIRT,
7 WITH BLUE JEANS.

8 MS. AENLLE-ROCHA: OKAY. SO THE DETECTIVES IN YOUR
9 UNIT ALL HAVE SOME TYPE OF ADDITIONAL TECHNICAL TRAINING?

10 THE WITNESS: THEY DO. THEY'VE ALL, AGAIN,
11 ATTENDED TRAINING AT OUR T.I.D. WHICH IS RESPONSIBLE FOR
12 DOWNLOADING THE VIDEOS, SURVEILLANCE VIDEO. I BELIEVE ALL
13 OF THEM HAVE ALSO ATTENDED THE FBI ACADEMY THAT TEACHES
14 DOWNLOADING OF VIDEO SURVEILLANCE.

15 MS. AENLLE-ROCHA: SO THERE ARE DIFFERENT TYPES OF
16 UNITS AND PROGRAMS AND --

17 THE WITNESS: THERE'S HUNDREDS AND -- I MEAN,
18 THERE'S SO MANY OUT THERE AND THEY ALL HAVE THEIR OWN
19 LITTLE UNIQUE FEATURES, SO IT TAKES QUITE A LONG TIME TO
20 GET THE EXPERTISE TO LEARN THE NUANCES OF ALL OF THEM,
21 BUT --

22 MS. AENLLE-ROCHA: TO ACCURATELY DOWNLOAD?

23 THE WITNESS: EXACTLY.

24 MS. AENLLE-ROCHA: AND YOU RECOVER THAT.

25 WHEN YOU -- THIS IS A GRAND JUROR QUESTION,
26 AND MR. MC KINNEY HAS ONE AS WELL.

27 WHEN YOU'RE RETRIEVING THE VIDEO
28 SURVEILLANCE FROM THESE CAMERAS, HOW OFTEN ARE -- IS THE

1 TIME NOT ACCURATE?

2 THE WITNESS: THAT'S A GOOD QUESTION. A LOT OF
3 TIMES IT DEPENDS ON PACIFIC STANDARD TIME AS OPPOSED TO --
4 CLOCKS CHANGE BACK AND FORTH. PEOPLE DON'T GENERALLY
5 CHANGE THEIR SYSTEMS. SO DEPENDING ON WHEN THEY WERE
6 INSTALLED, IF IT WAS DURING STANDARD TIME OR DAYLIGHT
7 SAVINGS TIME, A LOT OF THEM ARE AN HOUR OFF THAT WAY. A
8 LOT OF TIMES WHEN THE POWER GOES OUT AND THEN IT COMES
9 BACK ON THE TIME HAS NOT RESET SO THEY'RE OFF THAT WAY.

10 SO I WOULD SAY MORE OFTEN THAN NOT THEY ARE
11 NOT ON THE CORRECT TIME AND THAT -- YOU KNOW, THAT'S SORT
12 OF -- LIKE I SAY, THE FIRST THING WE DO IS TO MAKE SURE OF
13 THE TIME BECAUSE SO OFTEN THEY'RE NOT ACCURATE.

14 MS. AENLLE-ROCHA: OKAY. THANK YOU.

15 MR. MC KINNEY?

16 BY MR. MC KINNEY:

17 Q THIS IS A QUESTION FROM THE GRAND JURY:
18 ARE WE LOOKING AT A FULL RESOLUTION COPY OF WHAT YOU
19 COLLECTED OR A COMPRESSED VIDEO FILE?

20 A SO THIS VIDEO WAS PLACED ON AN EXTERNAL
21 HARD DRIVE. IT IS THEN DOWNLOADED ONTO OUR -- OUR
22 COMPUTERS BACK AT THE OFFICE AND THEN IT IS BURNED ONTO A
23 DISK AND THIS DISK IS GIVEN OVER TO THE DEFENSE. OR TO
24 THE INVESTIGATING OFFICERS. AND WHAT THEY -- WHAT THEY
25 PROVIDE TO THE DISTRICT ATTORNEY'S OFFICE I'M NOT SURE, IF
26 THEY PROVIDED THE DISK TO THE DISTRICT ATTORNEY'S OFFICE
27 OR IF THEY PROVIDED A COPY OF THE DISK.

28 MS. AENLLE-ROCHA: BUT IT WOULD BE THE ENTIRETY OF

1 | WHATEVER YOU RECOVERED?

2 THE WITNESS: YES.

3 MS. AENLLE-ROCHA: THAT'S THEN GIVEN TO THE DEFENSE
4 IF A CASE IS FILED?

5 THE WITNESS: CORRECT.

6 MS. AENLLE-ROCHA: OKAY. AND IS THERE ANY -- IS
7 THERE ANY VIDEO ON THIS -- THIS IS ANOTHER GRAND JUROR
8 QUESTION -- AND HOW OFTEN DO YOU FIND VIDEO?

9 ON OUTDOOR SURVEILLANCE CAMERAS.

10 THE WITNESS: WELL, MOST OF THE HOMICIDE SCENES
11 THAT WE RESPOND TO THERE IS SOME SORT OF VIDEO. WHETHER
12 IT ACTUALLY CAPTURES THE -- THE SHOOTING, THAT IS NOT
13 AS -- AS -- THAT'S MORE RARE THAN CATCHING, SAY, THE CAR,
14 THE SUSPECT VEHICLE COMING OR LEAVING, BUT THE ACTUAL
15 SHOOTING, THAT IS NOT AS COMMON AS -- AT LEAST SOME
16 PORTION OF THE CRIME. I WOULDN'T SAY THE -- THE SHOOTING
17 IS CAUGHT ALL THE TIME OR WITH REGULARITY, BUT SOME
18 PORTION OF THE CRIME IS CAUGHT MORE OFTEN THAN NOT.

19 MS. AENLLE-ROCHA: AND HOW ABOUT AUDIO?

20 THE WITNESS: AUDIO'S VERY RARE.

21 MS. AENLLE-ROCHA: OKAY.

22 ANY ADDITIONAL QUESTIONS FOR THIS WITNESS?

23 OKAY. NO FURTHER QUESTIONS.

24 MADAM FOREPERSON, IF YOU WOULD PLEASE
25 ADMONISH THE WITNESS.

26 THE FOREPERSON: BEFORE YOU LEAVE, PLEASE LISTEN
27 CAREFULLY TO WHAT I AM GOING TO SAY TO YOU NOW.

28 YOU ARE ADMONISHED NOT TO REVEAL TO ANY

1 PERSON, EXCEPT AS DIRECTED BY THE COURT, WHAT QUESTIONS
2 WERE ASKED OR WHAT RESPONSES WERE GIVEN OR ANY OTHER
3 MATTERS CONCERNING THE NATURE OR SUBJECT OF THE GRAND
4 JURY'S INVESTIGATION WHICH YOU LEARNED DURING YOUR
5 APPEARANCE BEFORE THE GRAND JURY UNLESS AND UNTIL SUCH
6 TIME AS THE TRANSCRIPT OF THIS GRAND JURY PROCEEDING IS
7 MADE PUBLIC.

8 I WISH TO ADVISE YOU THAT A VIOLATION OF
9 THIS ORDER CAN BE THE BASIS OF A CONTEMPT OF COURT CHARGE
10 AGAINST YOU.

11 DO YOU UNDERSTAND THIS ADMONITION?

12 THE WITNESS: YES, MA'AM.

13 MS. AENLLE-ROCHA: THANK YOU, DETECTIVE. YOU'RE
14 EXCUSED.

15 THE WITNESS: THANK YOU.

16 MS. AENLLE-ROCHA: HAVE A NICE DAY.

17 THE WITNESS: THANK YOU.

18
19 (THE WITNESS EXITED THE GRAND JURY
20 HEARING ROOM.)

21
22 MS. AENLLE-ROCHA: SHOULD WE CHECK AND SEE IF
23 WITNESS #1 IS AVAILABLE?

24 MR. MC KINNEY: I'D LIKE TO CALL ANOTHER VIDEO
25 WITNESS JUST TO KEEP THEM TOGETHER.

26 MS. AENLLE-ROCHA: ALL RIGHT. LET'S GO AHEAD AND
27 DO THAT. WHO IS THAT?

28 MR. MC KINNEY: THORSTEN TIMMERMANS.

1 MS. AENLLE-ROCHA: NUMBER 6 ON OUR FOREPERSON'S
2 STATEMENT.

3
4 (THE WITNESS ENTERED THE GRAND JURY
5 HEARING ROOM.)

6
7 MS. AENLLE-ROCHA: GOOD MORNING. PLEASE RAISE YOUR
8 RIGHT HAND, FACE THE FOREPERSON THERE. SHE'S GOING TO
9 SWEAR YOU IN.

10
11
12 THORSTEN GEBHARD TIMMERMANS,
13 CALLED AS A WITNESS BEFORE THE GRAND JURY
14 OF THE COUNTY OF LOS ANGELES, WAS SWORN
15 AND TESTIFIED AS FOLLOWS:

16
17 THE FOREPERSON: DO YOU SOLEMNLY STATE THAT THE
18 EVIDENCE YOU SHALL GIVE IN THIS MATTER NOW PENDING BEFORE
19 THE GRAND JURY OF THE COUNTY OF LOS ANGELES SHALL BE THE
20 TRUTH, THE WHOLE TRUTH, AND NOTHING BUT THE TRUTH, SO HELP
21 YOU GOD?

22 THE WITNESS: I DO.

23 MS. AENLLE-ROCHA: THANK YOU SO MUCH.

24 GO AHEAD AND TAKE THAT SEAT, PLEASE.

25 GOOD MORNING.

26 THE WITNESS: GOOD MORNING.

27 MS. AENLLE-ROCHA: PLEASE ADJUST THAT MICROPHONE SO
28 YOU CAN SPEAK RIGHT INTO THE MICROPHONE.

1 AND DID YOU LEAVE YOUR CELL PHONE OUTSIDE?

2 THE WITNESS: I DID, MA'AM.

3 MS. AENLLE-ROCHA: DO YOU HAVE ANY RECORDING
4 DEVICES ON YOU?

5 THE WITNESS: I DO NOT.

6 MS. AENLLE-ROCHA: PLEASE TELL US YOUR FULL NAME
7 AND THEN PLEASE SPELL YOUR FULL NAME FOR THE RECORD.

8 THE WITNESS: THORSTEN GEBHARD TIMMERMANS. FIRST
9 NAME T-H-O-R-S-T-E-N, MIDDLE NAME G-E-B-H-A-R-D, LAST NAME
10 T-I-M-M-E-R-M-A-N-S.

11 MS. AENLLE-ROCHA: ALL RIGHT. THANK YOU VERY MUCH.

12 MADAM FOREPERSON, WITH YOUR PERMISSION, MAY
13 MR. MC KINNEY PROCEED?

14 THE FOREPERSON: YES.

15

16

17

EXAMINATION

18

19 BY MR. MC KINNEY:

20 Q GOOD MORNING.

21 A GOOD MORNING.

22 Q PLEASE TELL US YOUR OCCUPATION.

23 A I'M A POLICE OFFICER FOR THE CITY OF
24 LOS ANGELES.

25 Q WHAT IS YOUR CURRENT ASSIGNMENT?

26 A CURRENTLY ASSIGNED TO SOUTH BUREAU HOMICIDE
27 DIVISION.

28 Q HOW LONG HAVE YOU BEEN A PEACE OFFICER?

1 A FOR OVER 14 YEARS.

2 Q WHAT WAS YOUR ASSIGNMENT BACK ON MARCH 31ST
3 OF THIS YEAR?

4 A I WAS ASSIGNED TO SOUTH BUREAU HOMICIDE
5 DIVISION ASSIGNED TO THE INTEL TEAM. MY PURPOSE THAT DAY
6 WAS TO GATHER -- TO CANVASS FOR VIDEO SURVEILLANCE, VIDEOS
7 OUT THERE THAT MAY BE RELEVANT TO THE CASE FOR THE
8 DETECTIVES INVOLVED IN THIS HOMICIDE.

9 Q WOULD YOU PLEASE TAKE A LOOK AT GRAND JURY
10 EXHIBIT NUMBER 24.

11 DO YOU RECOGNIZE WHAT'S SHOWN IN THIS
12 EXHIBIT?

13 A YES.

14 Q TELL US HOW YOU RECOGNIZE IT.

15 A I RECOGNIZE THIS. IT LOOKS LIKE AN AERIAL
16 VIEW OF GOOGLE MAPS. THIS IS THE LOCATION IN WHICH I WAS
17 ASSIGNED TO AND ASKED TO CANVASS FOR VIDEO. THE L-SHAPED
18 PARKING LOT AND COMMERCIAL BUSINESS AREA IS WHERE A
19 HOMICIDE OCCURRED.

20 Q OKAY. TELL US WHAT YOU DID WHEN YOU
21 ARRIVED AT THE LOCATION.

22 A ONCE I ARRIVED AT THE LOCATION, I ASSESSED
23 THE SCENE. I KNEW VIDEO HAD ALREADY BEEN PROCURED PRIOR
24 TO MY ARRIVAL. I HAD SOME INFORMATION ON THAT VIDEO
25 FOOTAGE AND SO I KNEW WHERE I WANTED TO START WHEN I GOT
26 TO THAT AREA.

27 YOU HAVE HIGHLIGHTED -- OR IT'S HIGHLIGHTED
28 HERE OF THE MASTER BURGER INTERIOR CAMERA I WAS -- MY MAIN

1 LOCATION THAT I WISHED TO PROCURE SOME VIDEO FOR THIS CASE
2 TO GET A BETTER CLOSE-UP IMAGERY OF WHAT WAS HAPPENING IN
3 THE PARKING LOT DURING THE TIME OF THAT INCIDENT. I
4 EVENTUALLY WAS ABLE TO MAKE CONTACT WITH THE BUSINESS
5 OWNERS THAT DAY ON APRIL 1ST AND DOWNLOADED A PORTION OF
6 VIDEO FOOTAGE THAT WOULD BE RELEVANT FOR THE DETECTIVES.

7 Q OKAY. DID YOU CHECK TO SEE IF THERE MIGHT
8 BE VIDEO IMAGERY RECORDED AT ANY OF THE OTHER BUSINESSES
9 IN THE MARATHON PARKING LOT?

10 A IN THE -- I -- IN THE PARKING LOT OF -- OF
11 THE -- OF THIS BUSINESS, THE -- ARE YOU TALKING ABOUT THE
12 BUSINESS WHERE THE HOMICIDE OCCURRED?

13 Q CORRECT. SO ALONG HERE, AND I'M POINTING
14 TO -- WHAT IS THIS, THE SOUTH SIDE OF THE BUSINESS?

15 A YES.

16 Q SOUTH OF SLAUSON?

17 A YES.

18 Q THERE ARE ABOUT FOUR OR FIVE BUSINESSES IN
19 THIS STRIP MALL, CORRECT?

20 A YES.

21 Q DID YOU CANVASS ANY OF THOSE OTHER
22 BUSINESSES OTHER THAN MASTER BURGER TO SEE IF THERE WAS
23 VIDEO AVAILABLE?

24 A YES. I ATTEMPTED TO GAIN CONTACT
25 INFORMATION BUT WAS UNABLE TO DO SO AT THAT TIME AND
26 MASTER BURGER THEN BECAME MY FOCUS.

27 Q OKAY.

28 A I WAS AWARE THAT THERE WERE OTHER CAMERA

1 ANGLES INSIDE THIS BUSINESS PARKING LOT MAINLY AT THE --
2 LOOKS LIKE IT'S GONNA BE THE -- AT THE VERY CORNER AREA WE
3 WERE ABLE TO ASCERTAIN THAT THERE WAS -- THERE WAS
4 CAMERAS -- WE UNDERSTOOD FROM OUR POSITION BEFORE WE WENT
5 OUT TO THE LOCATION THAT CAMERAS COULD POSSIBLY BE
6 ELSEWHERE IN THAT PARKING LOT, BUT DUE TO THE AMOUNT OF
7 CROWD ACTIVITY WE FOCUSED ALSO MAINLY ON THAT MASTER
8 BURGER. SO IT WASN'T OUTSIDE OF OUR REALM. IT'S JUST WE
9 WERE GETTING WHAT WE COULD AT THAT TIME. THERE WAS A LOT
10 OF PEOPLE OUT THERE.

11 Q WHEN YOU SAY "BUSINESS ON THE CORNER,"
12 YOU'RE REFERRING TO THE CORNER I'M POINTING TO HERE?

13 A YES.

14 Q THIS IS THE MARATHON CLOTHING STORE,
15 CORRECT?

16 A YES.

17 Q AND THIS BUSINESS IS ACTUALLY THE CLOSEST
18 TO THE AREA WHERE THE SHOOTING OCCURRED, CORRECT?

19 A YES.

20 Q YOU WERE NOT ABLE TO GET ANY VIDEO FROM
21 THIS BUSINESS OR ANY OF THE OTHER BUSINESSES OTHER THAN
22 MASTER BURGER, CORRECT?

23 A CORRECT.

24 Q WHEN YOU -- HOW DID YOU COLLECT THE VIDEO
25 FROM THE MASTER BURGER?

26 A SO THE WAY WE GO -- THE WAY I GO ABOUT
27 COLLECTING VIDEO -- AND JUST AS A LITTLE BIT OF A
28 BACKGROUND, I'VE -- I RECEIVED TRAINING BOTH FROM A

1 PRIVATE FACILITY, 24 -- APPROXIMATELY 24 HOURS OF -- OF
2 HOW TO DOWNLOAD, IDENTIFY VARIOUS DVR SYSTEMS THAT RETAIN
3 VIDEO FOOTAGE.

4 I ALSO RECEIVED OVER 120 HOURS OF TRAINING
5 WITH THE CITY'S T.I.D. DIVISION, "TECHNOLOGICAL
6 INFORMATION DIVISION." SO I'VE WORKED WITH THE CIVILIANS
7 THERE. AND THEN, OF COURSE, TRAINED WITH MY PEERS. AND
8 DURING THAT TIME I FOUND A METHOD IN WHICH WORKS FOR ME ON
9 DOING VIDEOS. I'VE PULLED OVER 400 VIDEOS FOR SOUTH
10 BUREAU HOMICIDE DIVISION.

11 SO WHEN I GOT HERE, THE ONE THING I WANTED
12 TO DO WAS TO MAKE CONTACT WITH THE BUSINESS OWNER AND TO
13 SEE WHAT TIME DISCREPANCIES, IF ANY, OCCURRED FOR THIS
14 PARTICULAR DVR SYSTEM.

15 IT TOOK US AWHILE -- IT TOOK ME AWHILE TO
16 GET INSIDE, BUT ONCE I GOT INSIDE, I VERIFIED THAT THE
17 TIMES WERE ACCURATE FOR THAT DVR SYSTEM. THERE WAS ONLY
18 ONE CAMERA THAT WOULD BE RELEVANT FOR THIS CASE AND I WENT
19 AHEAD AND PULLED THAT VIDEO. I DID PLAY SOME PLAYBACK
20 BEFORE I DOWNLOADED THE VIDEO ON A THUMB DRIVE AND THEN
21 I BASICALLY MADE COPIES FOR THE DETECTIVES IN THAT CASE.

22 SO I WANTED TO MAKE SURE THAT I'M
23 LOOKING -- I KNEW WHAT I WAS LOOKING FOR BEFORE I DO A
24 DOWNLOAD AND THEN USUALLY I EXPAND THE SCOPE BEYOND THE
25 ACTUAL TIME OF AN INCIDENT THAT OCCURS, USUALLY TIME
26 BEFORE AND TIME AFTER, TO HELP IDENTIFY WITNESSES,
27 ADDITIONAL EVIDENCE, AND INFORMATION AS IT BECOMES
28 RELEVANT TO THE DETECTIVES. MY GOAL IS NOT TO IMPEDE THE

1 BUSINESS FURTHER THAN WE NEED TO.

2 SO IN THIS CASE I VERIFIED THE TIMES AND
3 DID THE DOWNLOAD WITH A THUMB DRIVE AND THEN I VERIFIED
4 THAT AT THE SCENE AT MASTER BURGER WITH MY LAPTOP
5 CONFIRMING THAT VIDEO WAS DOWNLOADED PROPERLY.

6 Q SO YOU COLLECTED VIDEO THAT WAS RECORDED BY
7 ONE CAMERA AT THIS BUSINESS, CORRECT?

8 A YES.

9 Q WHERE WAS THE CAMERA LOCATED?

10 A THE CAMERA WAS LOCATED ON THE INSIDE OF THE
11 BUSINESS AND IT LOOKED THROUGH A LARGE PANE GLASS WINDOW
12 INTO THE PARKING LOT AREA.

13 Q ALL RIGHT. LET ME SHOW YOU AN EXHIBIT I
14 HAVE. THIS WILL BE GRAND JURY EXHIBIT NUMBER 12.

15 THIS IS GRAND JURY EXHIBIT NUMBER 12. DO
16 YOU RECOGNIZE THE FIRST FRAME OF THIS VIDEO?

17 A YES.

18 Q HOW DO YOU RECOGNIZE IT?

19 A I RECOGNIZE THIS AS THE INTERIOR CAMERA
20 WHICH I REVIEWED AND THEN PULLED FROM THE MASTER BURGER.

21 Q SO THIS CAMERA, THE LOCATION OF THIS
22 CAMERA -- WELL, IF ONE WERE TO WALK INTO THE FRONT DOOR OF
23 THIS BUSINESS, THE LOCATION OF THE CAMERA WOULD BE TO THE
24 LEFT UP IN THE CORNER OF WHAT APPEARS TO BE A LOBBY OR AN
25 AREA WHERE YOU ORDER FOOD, CORRECT?

26 A YES.

27 Q AND THE PERSPECTIVE OF THE CAMERA SHOWS THE
28 INTERIOR AREA WHERE FOOD IS ORDERED, BUT ALSO CAPTURES A

1 LITTLE BIT OF THE SIDEWALK IMMEDIATELY IN FRONT OF THE
2 BUSINESS AND A PORTION OF THE PARKING LOT; IS THAT
3 CORRECT?

4 A YES.

5 Q I WANT TO FAST FORWARD TO 3:04:10. AND YOU
6 SAID THE TIME STAMP THAT WE SEE HERE AT THE BOTTOM RIGHT
7 CORNER OF THE VIDEO IS ACCURATE, CORRECT?

8 A YES.

9 Q I'M JUST GOING FORWARD. I'M PROBABLY NOT
10 GONNA GET CLOSER THAN THIS SO I'LL JUST START IT HERE AT
11 3:03:58 AND PLAY IT FROM HERE.

12

13 (EXHIBIT 12 PLAYED.)

14

15 BY MR. MC KINNEY:

16 Q SO AT 3:04:10 A MAN WALKS IN WITHOUT A
17 SHIRT ON, GRAY PANTS PULLED DOWN BELOW HIS WAIST, WHITE
18 NEW BALANCE SNEAKERS, BLACK BANDANA AROUND HIS NECK. DID
19 YOU HAVE AN OPPORTUNITY TO VIEW THIS WHILE YOU WERE AT
20 SCENE?

21 A YES.

22 Q AND DOES THE VIDEO AS IT'S BEING DISPLAYED
23 HERE FOR THE GRAND JURY ACCURATELY REFLECT WHAT YOU SAW?

24 A YES.

25 Q OKAY. HE WALKS OUT OF THE BUSINESS AT
26 3:04:45.

27 I WANT TO GO FORWARD TO 3:09. 3:09:18.
28 I'LL PLAY FROM 3:09:18 FORWARD.

1 (EXHIBIT 12 CONTINUES PLAYING.)

2
3 BY MR. MC KINNEY:

4 Q AT 3:09:25 IT APPEARS THE SAME MAN WALKS
5 BACK INTO THE BUSINESS DRESSED THE SAME WAY; IS THAT
6 CORRECT?

7 A YES.

8
9 (EXHIBIT 12 CONTINUES PLAYING.)

10
11 BY MR. MC KINNEY:

12 Q AT 3:10:10 HE WALKS OUT OF THE BUSINESS
13 INTO THE PARKING LOT AND AT 3:10:50 HE REENTERS THE
14 BUSINESS, APPEARS TO GRAB SOME FOOD IN A WHITE BAG, AND
15 THEN MAKES PAYMENT.

16
17 (EXHIBIT 12 CONTINUES PLAYING.)

18
19 BY MR. MC KINNEY:

20 Q WHEN HE WALKS OUT AT 3:11:40, HE APPEARS TO
21 WALK OUT AND GO IN THIS DIRECTION TOWARD THE TOP OF THE
22 SCREEN OUT OF VIEW. DID YOU SEE THAT?

23 A YES.

24 Q WOULD THAT -- IF ONE WERE TO WALK IN THAT
25 DIRECTION, WOULD ONE EVENTUALLY GO BACK CLOSER TO THE
26 FRONT OF THE MARATHON STORE?

27 A THAT IS CORRECT.

28 Q OKAY. AND THEN WE SEE AFTER HE WALKED OUT

1 THIS WHITE CAR PULL INTO A PARKING STALL, CORRECT?

2 A YES.

3 Q YOU SEE THE PASSENGER DOOR OF THAT CAR
4 OPENING?

5 A YES.

6 Q AND -- AT 3:12:12. AND THEN THE CAR PULLS
7 OUT OF THAT SPACE AT ABOUT 3:12:20 OR SO.

8 NOW, THE WAY THAT CAR IS TURNING, IT
9 APPEARS TO BE HEADING TOWARD THE SHELL GAS STATION,
10 CORRECT?

11 A THAT IS CORRECT.

12 Q ALL RIGHT. THE LAST THING I WANT TO SHOW
13 YOU FROM THIS VIDEO IS -- I WANT TO FAST FORWARD TO 3:18.

14 I'LL START IT AT -- AS CLOSE AS I CAN GET.
15 I'LL START IT AT 3:18:05.

16 I WANT YOU TO FOCUS HERE ON THE RIGHT SIDE
17 OF THE VIDEO FRAME WALKING RIGHT TO LEFT. APPEARS TO BE A
18 MAN IN A RED SHIRT, GRAY PANTS AND WHITE SHOES.

19
20 (EXHIBIT 12 CONTINUES PLAYING.)

21

22 BY MR. MC KINNEY:

23 Q OKAY. AT 3:18:58 THAT SAME MAN APPEARED TO
24 RUN BACK TOWARD THE ALLEY TO THE RIGHT OF THE VIDEO
25 SCREEN, CORRECT?

26 A YES.

27 Q LET ME JUST GO BACK A BIT AND SEE IF I CAN
28 FREEZE FRAME THIS.

1 SO I'VE FROZEN OR PAUSED THE VIDEO AT
2 3:18:59. DO YOU SEE SOMETHING IN THAT MAN'S RIGHT HAND,
3 THE MAN WITH THE RED SHIRT?

4 A YES.

5 Q WHAT IS THAT?

6 A APPEARS TO BE A HANDGUN.

7 Q CAN YOU TELL WHETHER IT'S A REVOLVER OR A
8 SEMIAUTOMATIC FROM THIS VIEW?

9 A APPEARS TO BE A REVOLVER FROM THIS ANGLE.

10 Q WHY DO YOU SAY THAT?

11 LET ME GIVE YOU A POINTER.

12 A THERE IS -- THANK YOU.

13 Q TOP BUTTON.

14 YOU DON'T HAVE TO POINT AT THE SCREEN. YOU
15 CAN POINT IT ANYWHERE.

16 A IF YOU LOOK, THERE'S -- WE'RE GETTING
17 LIGHTING FROM OVERHEAD DURING THIS DAYLIGHT HOUR AND YOU
18 SEE THIS SLIGHT LITTLE EXTRA HIGHLIGHTED BULGE AREA ON TOP
19 OF WHAT APPEARS TO BE THE -- THAT'S WHAT I BELIEVE TO BE
20 THE IDENTIFIER FOR ME FOR A REVOLVER. IT'S NEXT TO
21 OBVIOUSLY WHERE YOU WOULD CHAMBER YOUR AMMUNITION FOR A
22 REVOLVER. THAT'S HOW I WOULD IDENTIFY IT.

23 I WOULD SAY THERE ARE PROBABLY BETTER
24 IDENTIFIERS THAN THAT, BUT JUST SPEAKING HERE AND JUST --
25 THAT'S AN INDICATOR FOR ME THAT IT'S A REVOLVER. I OWN A
26 REVOLVER. I HAVE SHOT REVOLVERS IN THE CONTINUANCE OF MY
27 DUTIES TO STAY UP ON MARKSMANSHIP. SO THAT'S MY
28 EXPERIENCE WITH THEM. SO...

1 Q DID YOU ALSO PULL VIDEO FROM 58TH PLACE?

2 A YES, I DID.

3 Q OKAY.

4 MS. AENLLE-ROCHA: ALL RIGHT. WE'RE GONNA GO AHEAD
5 AND TAKE OUR MORNING BREAK AT THIS TIME.

6 SO, MADAM FOREPERSON, IF YOU WOULD PLEASE
7 LOWER THE MONITOR AND ADMONISH THE WITNESS.

8 THANK YOU.

9 THE FOREPERSON: BEFORE YOU LEAVE, PLEASE LISTEN
10 CAREFULLY TO WHAT I AM GOING TO SAY TO YOU NOW.

11 YOU ARE ADMONISHED NOT TO REVEAL TO ANY
12 PERSON, EXCEPT AS DIRECTED BY THE COURT, WHAT QUESTIONS
13 WERE ASKED OR WHAT RESPONSES WERE GIVEN OR ANY OTHER
14 MATTERS CONCERNING THE NATURE OR SUBJECT OF THE GRAND
15 JURY'S INVESTIGATION WHICH YOU LEARNED DURING YOUR
16 APPEARANCE BEFORE THE GRAND JURY UNLESS AND UNTIL SUCH
17 TIME AS THE TRANSCRIPT OF THIS GRAND JURY PROCEEDING IS
18 MADE PUBLIC.

19 I WISH TO ADVISE YOU THAT A VIOLATION OF
20 THIS ORDER CAN BE THE BASIS OF A CONTEMPT OF COURT CHARGE
21 AGAINST YOU.

22 DO YOU UNDERSTAND THIS ADMONITION?

23 THE WITNESS: I DO.

24 MS. AENLLE-ROCHA: AND, MADAM FOREPERSON, WOULD YOU
25 PLEASE ORDER THE WITNESS TO RETURN IN 15 MINUTES AT 10:40
26 TO CONTINUE HIS TESTIMONY.

27 THE FOREPERSON: WILL YOU PLEASE RETURN IN 15
28 MINUTES --

1 THE WITNESS: I WILL.

2 THE FOREPERSON: -- TO CONTINUE YOUR TESTIMONY.

3 THE WITNESS: I WILL, MA'AM. THANK YOU.

4 MS. AENLLE-ROCHA: THANK YOU SO MUCH.

5 THE WITNESS: THANK YOU.

6 MS. AENLLE-ROCHA: YOU'RE EXCUSED. WE'LL SEE YOU

7 IN 15.

8

9 (THE WITNESS EXITED THE GRAND JURY

10 HEARING ROOM.)

11

12 MS. AENLLE-ROCHA: MADAM FOREPERSON, WOULD YOU
13 PLEASE RECESS THIS HEARING AND ORDER THE GRAND JURORS AS
14 WELL TO RETURN IN 15 MINUTES AND ORDER THE DEPUTY DISTRICT
15 ATTORNEY TO RETURN IN 15 MINUTES.

16 THE FOREPERSON: THIS COURT IS RECESSED.

17 MS. AENLLE-ROCHA: SO ORDERED?

18 THE FOREPERSON: SO ORDERED.

19 MS. AENLLE-ROCHA: GRAND JURORS ARE ADMONISHED AND
20 ADVISED NOT TO DISCUSS THIS MATTER OR FORM ANY OPINION
21 UNTIL SUCH TIME AS IT IS GIVEN TO THEM FOR DELIBERATIONS.

22 THANK YOU. WE ARE IN RECESS.

23 PLEASE ESCORT THE D.A. FROM THE HEARING
24 ROOM.

25 AND ESCORT HIM BACK IN IN 15 MINUTES.

26

27 (DEPUTY DISTRICT ATTORNEY MC KINNEY
28 EXITED THE GRAND JURY HEARING ROOM.)

1 (RECESS.)

2
3 MS. AENLLE-ROCHA: MADAM FOREPERSON, WOULD YOU
4 PLEASE CALL THIS CRIMINAL GRAND JURY HEARING TO ORDER.
5 SO ORDERED?

6 THE FOREPERSON: SO ORDERED.

7 MS. AENLLE-ROCHA: THANK YOU.

8 PLEASE LET THE RECORD REFLECT THE SAME
9 NUMBER AS WELL AS THE SAME GRAND JURORS PRESENT AT
10 MORNING'S ROLL CALL ARE PRESENT. ALSO PRESENT IS DEPUTY
11 DISTRICT ATTORNEY JOHN MC KINNEY AND MYSELF, THE GRAND
12 JURY LEGAL ADVISOR.

13 AND LET'S PLEASE RECALL DETECTIVE
14 TIMMERMANS.

15
16 (THE WITNESS ENTERED THE GRAND JURY
17 HEARING ROOM.)

18
19 MS. AENLLE-ROCHA: GO AHEAD AND RETAKE YOUR SEAT.

20 AND THEN, MADAM FOREPERSON, IF YOU WOULD
21 PLEASE REMIND THE WITNESS OF HIS OATH.

22 THE FOREPERSON: YOU WILL RECALL THAT YOU HAVE
23 PREVIOUSLY BEEN SWORN AND ARE STILL UNDER OATH. PLEASE
24 RESTATE YOUR NAME.

25 THE WITNESS: THORSTEN GEBHARD TIMMERMANS.

26 MS. AENLLE-ROCHA: THANK YOU SO MUCH. AND, SIR,
27 DID YOU LEAVE YOUR TELEPHONE OUTSIDE?

28 THE WITNESS: I DID.

1 MS. AENLLE-ROCHA: AND YOU HAVE NO RECORDING
2 DEVICES ON YOU, CORRECT?

3 THE WITNESS: CORRECT.

4 MS. AENLLE-ROCHA: THANK YOU SO MUCH.

5 MADAM FOREPERSON, WITH YOUR PERMISSION, MAY
6 MR. MC KINNEY PROCEED?

7 THE FOREPERSON: YES.

8 MR. MC KINNEY: ALL RIGHT. THANK YOU.

9 Q DETECTIVE, LET ME SHOW YOU GRAND JURY
10 EXHIBIT NUMBER 8. DO YOU RECOGNIZE WHAT IS SHOWN HERE?

11 THE WITNESS: MAY I FLIP IT UP?

12 MS. AENLLE-ROCHA: YES.

13 THE FOREPERSON: I'M SORRY.

14 THE WITNESS: IT'S GOOD.

15 MS. AENLLE-ROCHA: OKAY.

16 BY MR. MC KINNEY:

17 Q GRAND JURY EXHIBIT NUMBER 8, DO YOU
18 RECOGNIZE THAT?

19 A YES.

20 Q WHAT IS IT?

21 A THIS IS A PHOTOGRAPH FROM THE INSIDE OF THE
22 MASTER BURGER OR A STILL IMAGE OF THE INTERIOR OF THE
23 MASTER BURGER VIDEO CAMERA WITH AN INDIVIDUAL IN THE
24 PHOTOGRAPH OF A PERSON OF INTEREST IN THIS CASE.

25 Q ALL RIGHT. LET ME SHOW YOU --

26 MS. AENLLE-ROCHA: SO THAT'S A STILL FROM THE VIDEO
27 THAT YOU RECOVERED AND DOWNLOADED FROM MASTER BURGER?

28 THE WITNESS: YES.

1 MS. AENLLE-ROCHA: A STILL MADE FROM THE VIDEO?

2 THE WITNESS: YES.

3 MS. AENLLE-ROCHA: OKAY.

4 BY MR. MC KINNEY:

5 Q SHOWING YOU GRAND JURY EXHIBIT NUMBER 22,
6 DO YOU RECOGNIZE WHAT'S SHOWN HERE?

7 A YES.

8 Q WHAT DOES THIS EXHIBIT SHOW?

9 A THIS PARTICULAR IMAGE IS OF AN ENLARGED
10 PHOTOGRAPH OF A PORTION OF AN INDIVIDUAL OF INTEREST, IN
11 THIS CASE OF THE PERSON'S RIGHT HAND THAT APPEARS TO BE
12 HOLDING A STEEL REVOLVER.

13 Q OKAY.

14 MS. AENLLE-ROCHA: IS THAT ALSO A STILL FROM THE
15 VIDEO?

16 THE WITNESS: YES.

17 MS. AENLLE-ROCHA: SO IT'S A STILL FROM THE VIDEO
18 AND THEN THERE'S AN ENLARGED PORTION OF THAT THAT'S RIGHT
19 IN THE MIDDLE WITH THE CIRCLE AROUND IT. AND WHAT'S
20 INCAPSULATED IN THAT CIRCLE?

21 THE WITNESS: INCAPSULATED IN THAT CIRCLE, MA'AM,
22 IS GOING TO BE WHAT APPEARS TO BE A STEEL-COLORED REVOLVER
23 BEING HELD IN THE RIGHT HAND.

24 MS. AENLLE-ROCHA: THANK YOU.

25 GO AHEAD.

26 BY MR. MC KINNEY:

27 Q ALL RIGHT. NOW, YOU SAID YOU ALSO
28 RECOVERED VIDEO FROM 58TH PLACE; IS THAT CORRECT?

1 A YES.

2 Q LET ME SHOW YOU GRAND JURY EXHIBIT NUMBER
3 25. DO YOU RECOGNIZE WHAT'S SHOWN HERE?

4 A YES.

5 Q WHAT DOES IT SHOW?

6 A THIS IS SHOWING WHAT APPEARS TO BE A GOOGLE
7 IMAGE OF WEST 58TH PLACE AND WE ARE -- WITH THE ARROW
8 POINTING SOUTHWARD THROUGH A DRIVEWAY AREA. TOWARDS THE
9 BOTTOM PORTION OF THIS IMAGE IS GOING TO BE THE ALLEYWAY
10 IN WHICH -- THAT WILL HUG THE MASTER BURGER AT SOME POINT
11 THAT'S JUST SLIGHTLY OUT OF VIEW.

12 Q OKAY. SO IF ONE WERE TO FOLLOW THE
13 DIRECTION OF THAT ARROW DOWN TO THE BOTTOM OF THE EXHIBIT,
14 YOU'D BE WALKING -- MOVING IN THE DIRECTION OF THE
15 MARATHON PARKING LOT, CORRECT?

16 A YES.

17 Q SO WHAT DID YOU DO, IF ANYTHING, AT THIS
18 ADDRESS ON 58TH PLACE?

19 A AGAIN, I WAS CANVASSING FOR VIDEO, THE
20 SURROUNDING AREA, AND I LOCATED THIS LOCATION AS A
21 POTENTIAL SPOT FOR VIDEO THAT MAY BE RELEVANT TO THIS
22 CASE. I MADE CONTACT WITH THE HOMEOWNERS AND REVIEWED
23 VIDEO FOOTAGE AND I DISCOVERED IMAGERY THAT WAS IMPORTANT
24 FOR THIS CASE AND THEN THEREFORE DOWNLOADED THAT VIDEO TO
25 PROVIDE IT TO DETECTIVES.

26 Q DID YOU DOWNLOAD VIDEO FROM ONE CAMERA OR
27 MORE THAN ONE?

28 A I DOWNLOADED FROM MULTIPLE CAMERAS.

1 Q OKAY. WERE THERE TWO IN PARTICULAR,
2 SPECIFICALLY TWO CAMERAS?

3 A YES.

4 Q WERE THEY BOTH POINTED IN THE DIRECTION OF
5 58TH PLACE?

6 A YES.

7 Q WERE THEY BOTH CAMERAS AFFIXED TO THE SAME
8 PROPERTY?

9 A YES.

10 Q ALL RIGHT. LET ME SHOW YOU GRAND JURY
11 EXHIBIT NUMBER -- I THINK IT'S 13.

12 NO, THIS IS STILL 12. OKAY.

13 SO GRAND JURY EXHIBIT NUMBER 12 HAS BOTH
14 VIDEO FOOTAGE FROM MASTER BURGER AND 58TH PLACE.

15 DIRECTING YOUR ATTENTION FIRST TO WHAT'S
16 LABELED AS CHANNEL 3, DO YOU RECOGNIZE WHAT'S SHOWN HERE?

17 A YES.

18 Q WHAT DOES IT --

19 MS. AENLLE-ROCHA: SO THIS IS, I'M SORRY, 58TH
20 PLACE, CHANNEL 3?

21 MR. MC KINNEY: YES.

22 MS. AENLLE-ROCHA: OKAY. GO AHEAD.

23 BY MR. MC KINNEY:

24 Q CAN YOU TELL US WHAT THIS SHOWS?

25 A YES. THIS IS FROM THE LOCATION OF WHERE I
26 PULLED THE VIDEO FROM. YOU'RE LOOKING AT THE -- OUT THE
27 FRONT YARD OF THIS PLACE WHICH COVERS WEST 58TH PLACE.
28 THERE IS A WHITE SECURITY GATE THAT LEADS TO THE DRIVEWAY,

1 AND YOU CAN SEE IN THE DISTANCE OF THE UPPER LEFT-HAND
2 CORNER THE IMAGE HERE WHAT LEADS TO BE THE ALLEYWAY THAT
3 WOULD EVENTUALLY LEAD TO THE MASTER BURGER MARATHON
4 PARKING LOT AREA.

5 Q CAN YOU USE THE POINTER TO POINT OUT THAT
6 ALLEYWAY ENTRANCE TO US?

7 A AS YOU SEE HERE WHERE THE RED DOT IS, THAT
8 IS GONNA BE YOUR ALLEYWAY TO THE -- THAT LEADS TOWARDS THE
9 MARATHON PARKING LOT.

10 Q OKAY. AND THAT'S IN THE UPPER LEFT-HAND
11 CORNER OF THE FRAME?

12 A YES.

13 Q LET ME SHOW YOU CHANNEL 4, WHAT'S LABELED
14 AS CHANNEL 4 AS PART OF THIS SAME EXHIBIT. DO YOU
15 RECOGNIZE WHAT'S SHOWN HERE?

16 A YES.

17 Q WHAT DOES IT SHOW?

18 A CHANNEL 4 IS COVERING THE LENGTH OF THE
19 DRIVEWAY OF THE SAME PROPERTY AND, AS YOU CAN SEE HERE, AT
20 THE TOP PORTION OF THE IMAGE IS GOING TO BE THE WHITE
21 SECURITY GATE THAT LEADS TO THE DRIVEWAY MOUTH AND THEN
22 THAT'S 58TH -- WEST 58TH PLACE JUST AT THE TOP OF THE VIEW
23 AND THE ALLEYWAY BEYOND.

24 Q OKAY. AND WHAT, IF ANYTHING, DID YOU SEE
25 WHEN YOU VIEWED CHANNELS 3 AND 4 AT THE LOCATION THAT YOU
26 THOUGHT HAD EVIDENTIARY VALUE?

27 A I OBSERVED A WHITE-COLORED SEDAN THAT
28 MATCHED THE DESCRIPTORS FROM THE MASTER BURGER VIDEO IN

1 WHICH THE INDIVIDUAL IN QUESTION HAD ENTERED IN THE
2 PASSENGER SIDE. THE -- AT SOME POINT IN THIS VIDEO THE
3 VEHICLE STAGES AT THE MOUTH OF THE ALLEYWAY LEADING ONTO
4 WEST 58TH PLACE AND THEN YOU CAN OBSERVE AN INDIVIDUAL
5 MATCHING THE DESCRIPTOR OF A PERSON OF INTEREST IN THIS
6 CASE ENTER INTO SAID VEHICLE AND THEN THE VEHICLE WOULD
7 ENTER ONTO WEST 58TH PLACE HEADING WESTBOUND.

8 Q OKAY. NOW, THE OTHER --

9 MS. AENLLE-ROCHA: I'M SORRY. PARDON ME. WHAT DO
10 YOU MEAN BY "STAGING"?

11 THE WITNESS: WHAT I MEAN BY "STAGING" IS THAT THE
12 VEHICLE COMES TO A STOP AT THE MOUTH OF THE ALLEYWAY AND
13 THE DRIVER APPEARS TO WAIT A PERIOD OF TIME BEFORE A
14 PEDESTRIAN ON FOOT WOULD THEN GO TOWARDS THE VEHICLE AND
15 ENTER SAID VEHICLE AND THEN BOTH DRIVER AND PASSENGER
16 LEAVE THE LOCATION.

17 MS. AENLLE-ROCHA: THANK YOU.

18 BY MR. MC KINNEY:

19 Q THE OTHER VIDEOS WE SAW HAD TIME AND DATE
20 STAMPS VISIBLE ON THE SCREEN. DO YOU RECALL THOSE?

21 YOU TESTIFIED ABOUT THE TIME --

22 A YES.

23 Q -- BEING ACCURATE, CORRECT?

24 A YES.

25 Q WHAT ABOUT THIS VIDEO?

26 THIS VIDEO HAS -- AS WE LOOK AT THE SCREEN
27 NOW, AND IT'S 6 MINUTES AND 20 SECONDS INTO THIS CLIP,
28 THERE'S A NUMBER 4 AT THE TOP LEFT CORNER. DO YOU RECALL

1 IF THE VIDEO YOU DOWNLOADED HAD A TIME AND DATE STAMP?

2 A I DON'T RECALL AT THIS TIME. HOWEVER, WHEN
3 WE DO A DOWNLOAD FOR VIDEO, WE HAVE A CONSENT FORM THAT IS
4 FILLED OUT WITH ALL OF THE DATE AND TIMES THAT I SEE UP ON
5 THE SCREEN OF THE PARTICULAR DVR. A REVIEW OF THE FOOTAGE
6 MAY BE POSSIBLE WHERE THE TIME STAMPS EXIST. HOWEVER,
7 WHEN YOU SOMETIMES CONVERT VIDEOS OR WHEN YOU'RE PLAYING
8 THEM ON DIFFERENT VIDEO PLAYERS, NOT ALL OF THE METADATA
9 IS PROCESSED AND DISPLAYED UPON THE SCREEN.

10 THIS PARTICULAR VIDEO IS 11 MINUTES SLOW.
11 THE TIMES WERE MARRIED UP FROM -- FROM MY REVIEW OF THE
12 VIDEO AT THE LOCATION AND THE TIMES MARRY UP FROM THE
13 APPROXIMATE TIMES FROM WHEN THE MASTER BURGER WAS PLAYED
14 TO THE AMOUNT OF TIMES THAT I SAW HERE ON THE VIDEO. SO
15 THERE WAS MULTIPLE WAYS IN WHICH I WAS ABLE TO VERIFY THAT
16 THE TIMES APPEARED TO BE ACCURATE IN THE PLAY TIMES FOR
17 THE VIDEOS THAT I WAS REVIEWING.

18 SO WE MARKED THOSE VIDEO TIMES ON OUR SLIPS
19 SO THAT WE CAN TESTIFY BECAUSE NOT ALWAYS ARE THE TIME
20 STAMPS RETAINED WHEN A VIDEO IS DOWNLOADED.

21 Q WHAT PORTION OF TIME OF VIDEO DID YOU
22 COLLECT FROM THESE CAMERAS?

23 A OVER AN HOUR'S WORTH OF VIDEO.

24 Q AND CAN YOU TELL US BETWEEN WHAT
25 PARAMETERS?

26 A I HAVE A COPY OF THE SLIP FOR THE -- THE
27 CONSENT FORM THAT HAS THAT ACCURATE DATA ON IT. IF I
28 COULD REVIEW THAT, I COULD TELL YOU WHAT THAT WOULD BE.

1 MS. AENLLE-ROCHA: WOULD THAT REFRESH YOUR
2 RECOLLECTION?

3 THE WITNESS: YES, MA'AM.

4 MS. AENLLE-ROCHA: MADAM FOREPERSON, MAY THE
5 WITNESS DO SO?

6 SO ORDERED?

7 THE FOREPERSON: SO ORDERED.

8 MS. AENLLE-ROCHA: DO YOU HAVE IT WITH YOU HERE?

9 THE WITNESS: I DO, MA'AM.

10 MS. AENLLE-ROCHA: OKAY. GO AHEAD AND REVIEW IT
11 AND LET US KNOW WHEN YOU'VE REFRESHED YOUR RECOLLECTION.

12
13 (PAUSE IN PROCEEDINGS.)

14
15 MS. AENLLE-ROCHA: HAVE YOU REFRESHED YOUR
16 RECOLLECTION?

17 THE WITNESS: I DID, MA'AM.

18 MS. AENLLE-ROCHA: CAN YOU ANSWER THE QUESTION,
19 PLEASE?

20 THE WITNESS: YES.

21 I DOWNLOADED 1425 TO 1540, WHICH WOULD BE
22 2:25 TO 3:40 P.M. ON THE 31ST OF MARCH.
23 BY MR. MC KINNEY:

24 Q ARE THOSE TIMES ACCORDING TO WHAT WAS --
25 WHAT YOU NOTED ON THE DVR OR AFTER YOU CORRECTED FOR THE
26 11-MINUTE DISCREPANCY?

27 A THAT SAME TIME INCAPSULATES THE DIFFERENCE
28 OF TIME AND IT GOES BEYOND THE SCOPE OF A SHOOTING, FOR

1 EXAMPLE. SO I PULLED OVER AN HOUR AND 20 MINUTES WORTH OF
2 VIDEO. AND THE REASON I DO THAT, AGAIN, AS I WAS
3 DESCRIBING EARLIER, IS AS NEW INFORMATION COMES TO LIGHT,
4 WE WOULD HAVE THAT EXTRA VIDEO FOOTAGE FOR REVIEW.

5 I MARKED DOWN THE TIMES FROM THE SYSTEM
6 TIME AND I MARKED DOWN THE TIMES OF THE ACTUAL TIME IN
7 WHICH MY -- MY WATCH AND MY SMARTPHONE WAS GIVING ME, THE
8 TIME IN WHICH TO REVIEW, AND THEN I MADE A NOTIFICATION ON
9 THE TIME SLIP ITSELF SHOWING AN 11-MINUTE DISCREPANCY OF
10 IT BEING SLOW.

11 Q OKAY. I'M GOING TO START THIS CLIP AT 6
12 MINUTES AND 19 SECONDS INTO THE CLIP THAT I HAVE MARKED AS
13 THIS GRAND JURY EXHIBIT AND DIRECT YOUR ATTENTION TO THE
14 TOP OF THE SCREEN.

15
16 (EXHIBIT 12 PLAYED.)
17

18 BY MR. MC KINNEY:

19 Q AS WE ALLOW THIS VIDEO TO PLAY, THIS
20 APPEARS TO BE A WHITE VEHICLE FACING THE CAMERA IN THE --
21 JUST AT THE -- JUST AT THE VERY END OF THE ALLEYWAY BEFORE
22 58TH PLACE AT THE TOP OF THE SCREEN. IS THAT THE CAR THAT
23 YOU WERE REFERRING TO?

24 A YES.

25 Q OKAY. AND THE CAR GOES OUT OF VIEW AT
26 ABOUT 9 MINUTES AND 11 SECONDS INTO THE CLIP FOR THIS
27 EXHIBIT. IS THAT THE VIDEO FOOTAGE YOU REVIEWED WHEN YOU
28 WERE AT THE LOCATION?

1 A YES.

2 Q AND IS THAT THAT WHITE CAR AND THE ACTIVITY
3 AROUND THAT CAR WHAT YOU THOUGHT HAD SOME EVIDENTIARY
4 VALUE?

5 A YES.

6 Q THE OTHER VIEW, CHANNEL 4, DOES THAT ALSO
7 CAPTURE SOME PORTION OF THAT WHITE CAR PULLING INTO THE
8 STREET A BIT AND THEN LEAVING THE LOCATION ON 58TH PLACE?

9 A YES.

10 Q ALL RIGHT. THANK YOU.

11 MR. MC KINNEY: NO FURTHER QUESTIONS.

12 MS. AENLLE-ROCHA: WELL, WHAT CHANNEL WAS THIS ONE?
13 I THOUGHT THIS ONE WAS --

14 MR. MC KINNEY: I'M SORRY. CHANNEL 4. THE OTHER
15 ONE WAS CHANNEL 3. THANK YOU.

16 MS. AENLLE-ROCHA: OKAY.

17 AND, GRAND JURORS, IF YOU HAVE QUESTIONS,
18 PLEASE RAISE YOUR HANDS SO THE SERGEANT-AT-ARMS CAN
19 COLLECT THEM.

20 AND WHILE WE'RE DOING THAT, DETECTIVE, YOU
21 SAID THAT SOMETIMES METADATA IS NOT DISPLAYED IN THE COPY
22 THAT YOU -- IT DOESN'T TRANSFER OVER?

23 THE WITNESS: THAT IS CORRECT.

24 MS. AENLLE-ROCHA: IS THERE OTHER DATA THAT ISN'T
25 TRANSFERRED OVER THAT AFFECTS THE ACCURACY OF THE VIDEO?

26 THE WITNESS: NOT THE ACCURACY OF THE -- WELL,
27 "ACCURACY" IS KIND OF A BROAD TERM, MA'AM. SO --

28 MS. AENLLE-ROCHA: OKAY. SO -- PARDON ME. SO IF

1 YOU COULD THEN EXPLAIN SPECIFICALLY ON THIS ONE, WHEN THAT
2 DATA DIDN'T TRANSFER OVER, IS THERE -- WHAT ELSE WAS
3 CHANGED, IF ANYTHING?

4 THE WITNESS: IT'S NOT SO MUCH THAT INFORMATION IS
5 CHANGED. IT'S JUST NOT DISPLAYED.

6 FOR EXAMPLE, IF I HAVE A DEVICE THAT -- A
7 PROPRIETARY PLAYER, A NATIVE PLAYER FOR A PARTICULAR DVR
8 SYSTEM IS USUALLY THE IDEAL FORMAT IN WHICH YOU WOULD LIKE
9 TO PLAY A VIDEO. NOT ALL LAPTOPS, NOT ALL DEVICES WHEN A
10 FILE IS DOWNLOADED WILL WORK ON ANY PARTICULAR COMPUTER.
11 COULD BE THE OPERATING SYSTEMS, COULD BE WHAT TYPE OF
12 WINDOWS YOU HAVE ON THERE, COULD BE JUST THE FIRMWARE
13 UPDATES THAT YOU HAVE ON YOUR DEVICE. SOMETIMES THOSE
14 THINGS WON'T DISPLAY. SO WHAT WILL HAPPEN IS YOU'LL HAVE
15 TO USE A DIFFERENT PLAYER, PERHAPS A GENERIC PLAYER THAT
16 CAN PLAY THAT VIDEO, BUT SOME OF THAT INFORMATION WON'T BE
17 DISPLAYED.

18 IT'S NOT AS IF INFORMATION HAS BEEN
19 REMOVED. IT'S JUST QUALITY OF IMAGE MAY BE DISTORTED ONLY
20 BECAUSE IT'S HAVING A HARD TIME TRANSFERRING THE METADATA
21 FILE -- METADATA INFORMATION INTO A VIEWABLE IMAGE FOR YOU
22 AND ME.

23 SO THERE'S NOTHING THAT'S BEING DELETED
24 WHEN WE'RE DOWNLOADING THESE FILES, BUT NOT ALL SYSTEMS
25 ARE GONNA BE ABLE TO DISPLAY PROPERLY ON THE DEVICES THAT
26 WE CARRY WITH US.

27 MS. AENLLE-ROCHA: WHEN YOU INITIALLY WATCHED THE
28 VIDEO, WERE YOU WATCHING IT ON THE EQUIPMENT AT THE

1 LOCATION?

2 THE WITNESS: YES.

3 MS. AENLLE-ROCHA: AND WAS THERE ANY DIFFERENCE
4 THAT YOU CAN TELL OTHER THAN A TIME STAMP BETWEEN THAT
5 IMAGE -- THE IMAGES ON THE ORIGINAL AND THE IMAGES ON THE
6 COPIES OF ALL OF THE VIDEOS THAT YOU RECOVERED?

7 AND YOU CAN START WITH THIS ONE.

8 THE WITNESS: THAT -- I'LL -- THE BEST WAY I CAN
9 ANSWER THAT, MA'AM, IS THAT I CAN'T SPEAK TO ALL OF THE
10 VIDEOS FROM ALL OF THE DIFFERENT TYPES OF DEVICES.

11 I'LL GIVE YOU AN EXAMPLE.

12 MS. AENLLE-ROCHA: NO. NO. NO. I'M SORRY. JUST
13 THE ONES THAT YOU RECOVERED.

14 THE WITNESS: CORRECT.

15 MS. AENLLE-ROCHA: OKAY.

16 THE WITNESS: THIS VIDEO IS MORE GRAINY THAN THE
17 VIDEO I SAW ON THE MONITOR AT THE LOCATION IN WHICH I
18 PULLED THE VIDEO.

19 MS. AENLLE-ROCHA: OKAY.

20 THE WITNESS: IT WAS MUCH MORE CLEAR THAN HERE.
21 HOWEVER, THE VIDEO THAT I'M SEEING IN AN MP4 FORMAT CAN BE
22 DISPLAYED PERHAPS WITH CLARITY ON A DIFFERENT DEVICE USING
23 A DIFFERENT PLAYER.

24 SO WHAT I'M TRYING TO SAY IS, IS THAT I'M
25 NOT SEEING ANYTHING LOST HERE. AND I HOPE THAT KIND OF
26 ANSWERS YOUR QUESTION A LITTLE BIT.

27 BUT AS I REMEMBER THE VIDEO, IT WAS CLEAR
28 WHEN I SAW IT OUT AT THE LOCATION AND IT APPEARED CLEAR ON

1 MY PARTICULAR LAPTOP WHEN I DID A PLAYBACK OF THE VIDEO.

2 MS. AENLLE-ROCHA: THAN IT IS RIGHT HERE?

3 THE WITNESS: THE IMAGES ARE RIGHT HERE AND I
4 RECOGNIZE AS THE IMAGES THAT -- AS THE VIDEO THAT I HAD
5 DOWNLOADED, BUT I CANNOT SPEAK AS TO THE LOSS OF VIDEO
6 QUALITY THAT IS BEING DISPLAYED HERE FOR THIS -- IN THIS
7 ROOM TODAY.

8 MS. AENLLE-ROCHA: OKAY.

9 HOW -- THIS IS A GRAND JUROR QUESTION: HOW
10 FAR -- OR TO WHAT EXTENT DID YOU CANVASS THE AREA AROUND
11 THE LOCATION OF THE SHOOTING TO SEE IF THERE WERE VIDEOS
12 AVAILABLE THAT CAPTURED ANYTHING OF EVIDENTIARY VALUE?

13 THE WITNESS: IN THIS PARTICULAR CASE I LOOKED AT
14 ALMOST TWO BLOCKS WORTH OF VIDEO FOOTAGE IN ALL
15 DIRECTIONS, AND IN THIS PARTICULAR CASE THE VIDEO FOOTAGE
16 THAT WE INITIALLY FOCUSED IN ON WAS AS CLOSE AS POSSIBLE
17 TO THE CRIME SCENE WHICH GATHERED NOT ONLY SUSPECT
18 MOVEMENTS, BUT ALSO ROUTES OF TRAVEL FOR THE VEHICLE IN
19 QUESTION IN THIS MATTER.

20 MS. AENLLE-ROCHA: DOES THAT MEAN THAT YOU GO
21 BUSINESS, BUSINESS, BUSINESS, HOME, HOME, HOME, EVERY
22 PLACE IS TOUCHED AND VISITED TO ATTEMPT TO SEE IF THERE'S
23 VIDEO THAT'S AVAILABLE?

24 THE WITNESS: YES, TO THE BEST OF OUR ABILITY. WE
25 DO NOT RULE OUT JUST BECAUSE A CAMERA SYSTEM DOESN'T SEEM
26 TO LOOK OR APPEAR FROM THE OUTSIDE OF QUALITY. MY INITIAL
27 WAY OF DOING CANVASSING IS TO CAPTURE WHAT WE CALL THE
28 FOUR CORNERS, TRY TO GET ALL THE DIFFERENT DIRECTIONS, AND

1 THEN FROM THERE ZOOM IN AND CLOSE IN AS POSSIBLE. AND IN
2 THIS PARTICULAR CASE WE STARTED WITH THE MASTER BURGER
3 BECAUSE THAT WAS THE CLOSEST WE COULD POSSIBLY GET TO AT
4 THAT TIME AND THEN FOCUSED IN ON ROUTES OF TRAVEL FOR THE
5 VEHICLE AFTER THE FACT.

6 MS. AENLLE-ROCHA: AND YOUR WHOLE TEAM IS DOING
7 THIS, CORRECT?

8 THE WITNESS: YES.

9 MS. AENLLE-ROCHA: OKAY. WAS THERE ANY -- ANOTHER
10 GRAND JUROR QUESTION -- ANY ADDITIONAL VIDEO AVAILABLE
11 THAT HAD ANYTHING OF EVIDENTIARY VALUE THAT YOU RECOVERED?

12 THE WITNESS: I LOCATED ADDITIONAL VIDEO FOOTAGE,
13 BUT WHETHER IT'S OF EVIDENTIARY VALUE, THAT WOULD BE --
14 THE DETECTIVE INVESTIGATING THE CASE WOULD BE ABLE TO BEST
15 DESCRIBE THEM AS THEY HAVE MORE INTIMATE KNOWLEDGE ON THE
16 CASE. BUT I GRABBED VIDEO WHERE I BELIEVE IT COULD
17 POTENTIALLY BE POSSIBLE.

18 MS. AENLLE-ROCHA: OKAY. THANK YOU VERY MUCH.

19 ANY ADDITIONAL QUESTIONS FOR THIS WITNESS?

20 OKAY. MADAM FOREPERSON, PLEASE REMIND THE
21 WITNESS OF THE ADMONITION.

22 DETECTIVE, IF YOU COULD JUST PUSH THAT DOWN
23 CAREFULLY. THANK YOU.

24 THE FOREPERSON: YOU WILL RECALL THAT YOU HAVE
25 PREVIOUSLY BEEN ADMONISHED REGARDING THE SECRECY OF THESE
26 PROCEEDINGS AND MUST HEED THAT ADMONISHMENT.

27 THE WITNESS: YES, I DO.

28 MS. AENLLE-ROCHA: THANK YOU, DETECTIVE. HAVE A

1 NICE DAY.

2 THE WITNESS: THANK YOU.

3 MS. AENLLE-ROCHA: YOU'RE EXCUSED.

4

5 (THE WITNESS EXITED THE GRAND JURY
6 HEARING ROOM.)

7

8 MS. AENLLE-ROCHA: AND YOUR NEXT WITNESS IS WITNESS
9 #1?

10 MR. MC KINNEY: YES.

11 MS. AENLLE-ROCHA: ALL RIGHT.

12

13 (THE WITNESS ENTERED THE GRAND JURY
14 HEARING ROOM.)

15

16 MS. AENLLE-ROCHA: COME ON BACK IN AND TAKE YOUR
17 SEAT.

18 THE WITNESS: OKAY.

19

20

21 WITNESS #1,

22 CALLED AS A WITNESS BEFORE THE GRAND JURY
23 OF THE COUNTY OF LOS ANGELES, HAVING BEEN
24 PREVIOUSLY SWORN, RESUMED THE STAND AND
25 TESTIFIED FURTHER AS FOLLOWS:

26

27 MS. AENLLE-ROCHA: DID YOU LEAVE YOUR TELEPHONE
28 OUTSIDE AGAIN?

1 THE WITNESS: YES.

2 MS. AENLLE-ROCHA: AND YOU HAVE NO RECORDING
3 DEVICES ON YOU, CORRECT?

4 THE WITNESS: CORRECT.

5 MS. AENLLE-ROCHA: JUST IN THE ABUNDANCE OF
6 CAUTION, I'M GOING TO HAVE THE FOREPERSON REMIND YOU OF
7 YOUR OATH.

8 GO AHEAD, MADAM FOREPERSON.

9 THE FOREPERSON: YOU WILL RECALL THAT YOU HAVE
10 PREVIOUSLY BEEN SWORN AND ARE STILL UNDER OATH. PLEASE
11 RESTATE YOUR NAME --

12 MS. AENLLE-ROCHA: NO. NO. WE'RE NOT HAVING THE
13 WITNESS STATE HER NAME. PARDON ME, MADAM FOREPERSON. NOT
14 YOUR FAULT.

15 THE FOREPERSON: I'M SORRY.

16 MS. AENLLE-ROCHA: NO. NO. NO. IT'S OKAY.

17 ALL RIGHT. THANK YOU, MADAM FOREPERSON.

18 SO, WITNESS #1, I SAW YOU OUTSIDE DURING
19 THE BREAK WITH YOUR LAWYER AND I WENT -- AND I KNOW
20 MR. MC KINNEY WAS THERE AS WELL, AND I APPROACHED AND WAS
21 ADVISED THAT YOU HAD GONE OVER THE AGREEMENTS AGAIN. AND,
22 IN FACT, ON THE CONTRACT OR THE USE AGREEMENT IT
23 SPECIFICALLY STATES THERE THAT -- I'M SORRY, MADAM
24 FOREPERSON. MAY THE D.A. GO AND GET -- I WANT TO READ
25 DIRECTLY FROM THE CONTRACT.

26 THE FOREPERSON: YES.

27 MS. AENLLE-ROCHA: WITH YOUR PERMISSION.

28 //

1 (DEPUTY DISTRICT ATTORNEY MC KINNEY
2 EXITED THE GRAND JURY HEARING ROOM.)

3
4 (PAUSE IN PROCEEDINGS.)

5
6 (DEPUTY DISTRICT ATTORNEY MC KINNEY
7 ENTERED THE GRAND JURY HEARING ROOM.)

8
9 MS. AENLLE-ROCHA: OKAY. AND MR. MC KINNEY
10 REENTERED THE HEARING ROOM AND IS PROVIDING ME WITH THE
11 USE AGREEMENT.

12 SO THIS -- AND SPECIFICALLY IN PARAGRAPH 5
13 THE IMMUNITY GRANTED IN THIS AGREEMENT COVERS TESTIMONY
14 GIVEN BEFORE THE GRAND JURY ONLY IN THE ABOVE-REFERENCED
15 MATTER, DOES NOT COVER ANY OUT-OF-COURT STATEMENTS EITHER
16 PREVIOUSLY MADE BY THE WITNESS OR THAT MAY BE MADE IN THE
17 FUTURE. AND IN ORDER TO RECEIVE THE BENEFIT OF THIS, IN
18 FACT YOU HAVE TO TESTIFY TRUTHFULLY AND ANSWER ALL THE
19 QUESTIONS AND NOT DISCUSS YOUR TESTIMONY WITH ANYONE OTHER
20 THAN YOUR LAWYER, CORRECT?

21 THE WITNESS: CORRECT.

22 MS. AENLLE-ROCHA: AND DID YOU GO -- SO DID YOU GO
23 OVER ANY QUESTIONS YOU HAD WITH YOUR LAWYER AFTER YOU CAME
24 IN INITIALLY AND WE SPOKE?

25 THE WITNESS: YES.

26 MS. AENLLE-ROCHA: OKAY. AND HE'S OUTSIDE. AND IF
27 YOU NEED HIM, YOU'RE GOING TO LET ME KNOW AND YOU CAN GO
28 OUT AND SPEAK WITH HIM, CORRECT?

1 THE WITNESS: CORRECT.

2 MS. AENLLE-ROCHA: OKAY. SO DO YOU FEEL
3 COMFORTABLE TESTIFYING NOW AND ANSWERING QUESTIONS
4 TRUTHFULLY?

5 THE WITNESS: YES.

6 MS. AENLLE-ROCHA: ALL RIGHT. AT ANY TIME IF YOU
7 DON'T, JUST LET ME KNOW.

8 THANK YOU.

9 MADAM FOREPERSON, WITH YOUR PERMISSION, MAY
10 MR. MC KINNEY PROCEED?

11 THE FOREPERSON: YES.

12

13

14

EXAMINATION

15

16 BY MR. MC KINNEY:

17 Q GOOD MORNING.

18 A GOOD MORNING.

19 Q HOW OLD ARE YOU?

20 A THIRTY-TWO.

21 Q ARE YOU EMPLOYED?

22 A YES.

23 Q WHAT TYPE OF WORK DO YOU DO?

24 A CAREGIVING AND TRANSPORTING.

25 Q IS THAT TWO DIFFERENT JOBS?

26 A YES.

27 Q DO YOU HAVE FULL-TIME EMPLOYMENT IN ONE
28 AREA?

1 A FULL-TIME CAREGIVING.

2 Q AND PART-TIME IN TRANSPORTATION?

3 A YES.

4 Q I'M GONNA ASK YOU A FEW QUESTIONS JUST
5 ABOUT YOUR OWN BACKGROUND. OKAY?

6 A OKAY.

7 Q HOW FAR DID YOU GO IN SCHOOL?

8 A BACHELOR'S.

9 Q OKAY. DID YOU GO TO -- DID YOU GO TO SOME
10 LOCAL COMMUNITY COLLEGES?

11 A YES.

12 Q SO YOU HAVE SOME COMMUNITY COLLEGE
13 EDUCATION?

14 A YES.

15 Q YOU SAID YOU HAVE A BACHELOR'S. DID YOU
16 GET A BACHELOR'S DEGREE THROUGH AN ONLINE PROGRAM?

17 A ONLINE PROGRAM.

18 Q OKAY. ARE YOU CURRENTLY ENROLLED IN
19 SCHOOL?

20 A YES.

21 Q WHAT ARE YOU WORKING TOWARD?

22 A MASTER IN HEALTHCARE ADMINISTRATION.

23 Q HAVE YOU EVER BEEN ARRESTED OR CHARGED WITH
24 ANY CRIMES?

25 A NO.

26 Q HAVE YOU EVER BEEN EITHER A MEMBER OF OR AN
27 ASSOCIATE OF A CRIMINAL STREET GANG?

28 A NO.

1 Q DO YOU HAVE ANY FAMILY, IMMEDIATE FAMILY
2 MEMBERS WHO ARE IN ANY LOCAL GANGS IN LOS ANGELES?

3 A NO.

4 Q DO YOU HAVE ANY CLOSE FRIENDS OTHER THAN
5 THE TARGET IN THIS CASE, ERIC HOLDER, --

6 A WAIT. HOLD ON.

7 Q -- WHO IS A MEMBER OF A GANG?

8 A YES. MY UNCLE, I THINK HE'S IN A BLOOD --
9 IN A BLOOD GANG.

10 Q NOW, WHERE --

11 A I'M JUST NOT SURE.

12 Q WHERE DID YOUR UNCLE LIVE?

13 A HE LIVE IN SEATTLE, BUT HE COMES BACK AND
14 FORTH OUT HERE. HE'S FROM COMPTON.

15 Q OKAY. SO YOUR UNCLE LIVED IN COMPTON FOR A
16 WHILE?

17 A YES.

18 Q NOW HE LIVES IN SEATTLE, WASHINGTON?

19 A YES.

20 Q AND YOU BELIEVE THAT HE IS A MEMBER OF A
21 BLOOD GANG?

22 A HE MIGHT. I DON'T -- I'M NOT SURE.

23 Q OKAY. DO YOU SEE HIM OFTEN?

24 A NO.

25 Q HAVE YOU EVER LIVED WITH HIM?

26 A NO.

27 Q HAVE YOU EVER ATTENDED OR PARTICIPATED IN
28 ANY GANG ACTIVITIES?

1 A NO.

2 Q DO YOU CURRENTLY LIVE IN THE CITY OF
3 LOS ANGELES?

4 A NO.

5 Q HAVE YOU EVER LIVED IN THE CITY OF
6 LOS ANGELES?

7 A YES.

8 Q APPROXIMATELY WHAT YEARS DID YOU LIVE HERE?

9 A SINCE 2004 AND -- I WOULD SAY 2004 TO 2007.

10 Q OKAY. FROM 2004 TO 2007?

11 A YES.

12 Q WHEN YOU LIVED IN LOS ANGELES DURING THAT
13 TIME PERIOD, DID YOU LIVE IN THE GENERAL AREA OF CRENSHAW
14 AND MLK BOULEVARD?

15 A YES.

16 Q YOU KNOW THAT YOU'RE HERE TO TESTIFY ABOUT
17 SOMETHING THAT HAPPENED AT CRENSHAW AND SLAUSON, CORRECT?

18 A CORRECT.

19 Q DO YOU KNOW HOW FAR CRENSHAW AND MLK
20 BOULEVARD IS FROM CRENSHAW AND SLAUSON?

21 A NOT EXACTLY, BUT I KNOW IT'S NOT TOO FAR.

22 Q OKAY. IS IT WALKING DISTANCE?

23 A NO.

24 Q DO YOU HAVE A SENSE OF HOW FAR A MILE IS OR
25 TWO MILES?

26 DO YOU KNOW DISTANCES IN THOSE TERMS?

27 A NO, I DON'T.

28 Q OKAY. WHEN YOU LIVED IN LOS ANGELES FROM

1 '04 TO '07, DID YOU EVER HANG OUT IN THE AREA OF CRENSHAW
2 AND SLAUSON?

3 A JUST LIKE GOING LIKE -- TO LIKE THE
4 SWAPMEET, STUFF LIKE THAT. I NEVER LIKE HUNG OUT LIKE --
5 LIKE WITH FRIENDS. I DIDN'T REALLY HAVE NO FRIENDS OVER
6 THERE.

7 Q OKAY. WHAT IS THE SWAPMEET?

8 A BY SLAUSON ON WESTERN.

9 Q SO ON WESTERN AND SLAUSON THERE'S A
10 SWAPMEET?

11 A YES.

12 Q FOR THOSE OF US WHO ARE NOT SURE WHAT A
13 SWAPMEET IS, CAN YOU EXPLAIN THAT A LITTLE BIT?

14 A IT'S LIKE A PLACE LIKE -- THEY HAVE LIKE
15 JEWELRY. YOU CAN GET STUFF FOR LIKE A LITTLE CHEAPER, AND
16 THEY BE HAVING LIKE JORDANS AND STUFF THAT YOU CAN GET
17 CHEAPER INSTEAD OF GOING TO THE MALL. IT'S LIKE A LITTLE
18 MINI MALL WHERE YOU CAN GET THINGS A LITTLE MORE CHEAPER.

19 Q OKAY. IS IT THE SLAUSON SWAPMEET?

20 A YES.

21 Q OKAY. IT'S PRETTY FAMOUS IN SOUTH
22 LOS ANGELES, CORRECT?

23 ACTUALLY, --

24 A RIGHT. CORRECT.

25 Q -- A LOT OF PARTS IN LOS ANGELES?

26 A YES.

27 Q A LOT OF PEOPLE GO THERE AND HANG OUT,
28 RIGHT?

1 A RIGHT.

2 Q SO YOU BACK IN '04 TO '07 WOULD GO TO THAT
3 AREA FOR THAT PURPOSE; IS THAT TRUE?

4 A THAT'S TRUE.

5 Q DID YOU HAVE ANY FRIENDS IN THAT AREA?

6 A NO.

7 Q DID YOU KNOW OF ANY STREET GANGS THAT
8 OPERATED IN THE AREA OF THE SLAUSON SWAPMEET?

9 A NO.

10 Q WHEN YOU LEFT LOS ANGELES IN '07, DID YOU
11 MOVE OUT OF THE CITY OF LOS ANGELES?

12 A YES, I DID.

13 Q OKAY. AND AT SOME POINT AFTER THAT DID YOU
14 EVEN MOVE OUT OF THE STATE OF CALIFORNIA?

15 A NO.

16 Q OKAY. WELL, YOU SPEAK WITH A DISTINCT
17 ACCENT. OKAY? ARE YOU FROM -- OR HAVE YOU EVER LIVED
18 OUTSIDE OF THE STATE OF CALIFORNIA?

19 A YES.

20 Q OKAY. I DON'T WANT TO KNOW WHERE, BUT WAS
21 IT SOMEWHERE IN THE SOUTH?

22 A RIGHT. YES.

23 Q OKAY. CAN YOU TELL US DURING WHAT TIME
24 PERIOD YOU LIVED IN THE SOUTH?

25 A FROM -- SINCE I WAS TWO TO 2004. THAT'S
26 WHEN I MOVED OUT HERE.

27 Q OKAY. HOW OLD WERE YOU IN '04?

28 A SEVENTEEN. SEVENTEEN.

1 Q SO AT 17 IN '04 YOU MOVED INTO THE AREA OF
2 CRENSHAW AND MLK?

3 A I MOVED IN COMPTON. I MOVED TO CRENSHAW
4 AROUND LIKE 2005 MAYBE OR '6. I'M NOT KIND OF ACCURATE ON
5 IT, BUT I KNOW I LEFT IN 2007. I WASN'T IN COMPTON THAT
6 LONG WITH MY GRANNY. SO MAYBE -- I WANT TO SAY 2005 UNTIL
7 2007.

8 Q OKAY. WHEN YOU LIVED IN LOS ANGELES, DID
9 YOU LIVE ALONE OR WITH SOMEONE?

10 A I LIVED WITH MY MOM.

11 Q DID YOU EVER MOVE BACK TO WHERE YOU WERE
12 FROM THE SOUTH AFTER YOU MOVED TO LOS ANGELES?

13 A NO.

14 Q OKAY. LET ME MOVE ON AND ASK YOU IN THE
15 YEAR BEFORE MARCH 31ST, 2019, IF YOU WENT BACK A YEAR
16 BEFORE THAT, HOW OFTEN WOULD YOU SAY YOU VISITED
17 LOS ANGELES FROM WHERE YOU WERE LIVING?

18 A WHERE I WAS LIVING AT NOW? WHERE I'M
19 LIVING AT NOW?

20 Q OKAY. I DON'T WANT TO KNOW WHERE YOU LIVE
21 AT. I DON'T WANT YOUR ADDRESS. I DON'T WANT YOUR CITY.
22 OKAY?

23 A ALL RIGHT.

24 Q WHAT I'M ASKING YOU IS IN THE YEAR BEFORE
25 MARCH 31ST, IF YOU COUNTED BACK A YEAR FROM THAT DATE, --

26 A MM-HMM. YES.

27 Q -- HOW OFTEN WOULD YOU VISIT LOS ANGELES,
28 THE CITY OF LOS ANGELES?

1 A I HADN'T BEEN THERE IN AWHILE SINCE THAT
2 DATE. MAYBE ONCE OR TWICE MAYBE.

3 Q OKAY. I'M GOING TO MAKE SURE YOU DON'T --
4 I'M NOT -- I WANT TO MAKE SURE YOU UNDERSTAND MY QUESTION.

5 I'M NOT ASKING YOU HOW MANY TIMES YOU'VE
6 COME TO LOS ANGELES SINCE MARCH 31ST. I WANT TO KNOW IN
7 THE YEAR BEFORE THE SHOOTING HAPPENED, THE YEAR BEFORE,
8 FOR THAT WHOLE YEAR, HOW OFTEN DID YOU VISIT LOS ANGELES?

9 I JUST WANT TO GET A SENSE OF HOW MUCH TIME
10 YOU SPENT HERE IN THE YEAR LEADING UP TO THAT SHOOTING.

11 AND I'M NOT ASKING FOR A SPECIFIC NUMBER OF
12 TIMES. YOU CAN ESTIMATE APPROXIMATELY HOW OFTEN YOU WOULD
13 COME INTO THE CITY.

14 A ABOUT MAYBE 20. 'CAUSE I HAD A FRIEND OVER
15 THERE, SOMEBODY WHO I WAS TALKING TO.

16 Q OKAY. WHEN YOU SAY YOU HAD A FRIEND OVER
17 THERE, WHAT DO YOU MEAN?

18 A IN L.A.

19 Q OKAY. WAS THAT FRIEND LIVING IN THE
20 SLAUSON/CRENSHAW AREA?

21 A YES. HE LIVED UP THE STREET ON FLORENCE.

22 Q FLORENCE AND WHAT?

23 A 78TH.

24 Q SO FOR THE YEAR LEADING UP TO MARCH 31ST
25 YOU BELIEVE YOU CAME INTO LOS ANGELES ABOUT 20 TIMES?

26 A JUST -- I'M JUST -- AROUND THAT TIME, YEAH,
27 'CAUSE WE WAS -- THAT WAS LIKE MY BOYFRIEND.

28 Q OKAY. AND WOULD YOU SAY YOU VISITED EVERY

1 OTHER WEEK OR WAS IT ALL WITHIN A COUPLE MONTH TIME PERIOD
2 OR WAS IT SPREAD OUT OVER THE COURSE OF THE YEAR?

3 A YEAH. IT WAS LIKE -- KIND OF LIKE SPREAD
4 OUT. IT WASN'T LIKE EVERY DAY OR EVERY OTHER DAY. MAYBE
5 LIKE ONCE OR TWICE A MONTH MAYBE AND SOMETIMES SKIP A
6 COUPLE OF MONTHS. SOMETIMES.

7 Q THE BOYFRIEND, THE PERSON THAT YOU DATED
8 THAT YOU REFERRED TO AS YOUR BOYFRIEND, WAS THAT PERSON
9 INVOLVED IN ANY GANG ACTIVITY?

10 A NO.

11 Q LET ME SHOW YOU PEOPLE'S --
12 MS. AENLLE-ROCHA: GRAND JURY.

13 MR. MC KINNEY: SORRY.

14 Q -- GRAND JURY EXHIBIT NUMBER 3. DO YOU
15 RECOGNIZE THE PERSON SHOWN IN THIS EXHIBIT?

16 A YES.

17 Q HOW DO YOU KNOW HIM?

18 A I MET HIM DOING TRANSPORTING.

19 Q AND WHAT IS HIS NAME?

20 A ERIC.

21 Q DID YOU KNOW HIM BY ANY OTHER NAMES?

22 A WHEN I PICKED HIM UP, IT HAD BOBBY ON
23 THERE.

24 Q DID YOU EVER CALL HIM BOBBY?

25 A NO. I JUST --

26 Q DID HE -- WAIT FOR THE QUESTION.

27 A NO.

28 Q DID HE EVER TELL YOU HIS NAME WAS BOBBY?

1 A NO.

2 Q YOU SAID THAT ONE OF YOUR JOBS IS IN
3 TRANSPORTATION, CORRECT?

4 A CORRECT.

5 Q AND WHEN YOU FIRST MET ERIC YOU MET HIM AND
6 WAS PROVIDED INFORMATION THAT THE PERSON THAT YOU WERE
7 TRANSPORTING WAS NAMED BOBBY?

8 A CORRECT.

9 Q OKAY. BUT YOU LATER FOUND OUT THAT HIS
10 NAME WAS ERIC?

11 A YES.

12 Q DID YOU KNOW HIM BY ANY OTHER NICKNAMES?

13 A NO.

14 Q HAD YOU EVER HEARD HIM CALLED OR HEARD HIM
15 REFER TO HIMSELF AS SHITTY?

16 A NO.

17 Q WHAT ABOUT HIS LAST NAME? DID YOU KNOW HIS
18 LAST NAME?

19 A NOT AT THE TIME.

20 Q WHEN DID YOU FIRST LEARN HIS LAST NAME?

21 A WHEN HE WANTED ME TO TAKE HIM TO HIS COUSIN
22 HAROLD'S HOUSE.

23 Q HOW LONG HAD YOU KNOWN HIM BEFORE YOU
24 LEARNED HIS LAST NAME?

25 A A WEEK.

26 Q WHEN DID YOU FIRST MEET THIS PERSON THAT
27 YOU KNEW AS ERIC?

28 A FEBRUARY THE 25TH.

1 Q FEBRUARY THE 25TH?

2 A YES.

3 Q OF WHAT YEAR?

4 A 2019.

5 Q HOW DO YOU REMEMBER THAT IT WAS THAT DATE?

6 A I JUST REMEMBER BECAUSE LIKE I HAD TO PAY
7 MY PHONE BILL THAT DAY AND THAT'S LIKE KIND OF LIKE THE
8 ONLY WAY. AND I KIND OF KNOW LIKE -- BECAUSE I TRY TO
9 KEEP UP WITH THE DATE, YOU KNOW. WHEN I MEET A GUY, I TRY
10 TO KEEP UP WITH THE DATE IF WE WAS KIND OF LIKE -- IF WE
11 WERE DOING ANYTHING, TO KEEP UP WITH MY CYCLE, STUFF LIKE
12 THAT. SO THAT'S HOW I KNOW IT WAS THE DATE.

13 Q YOU KNOW THAT YOU MET HIM ON FEBRUARY 25TH,
14 2019, CORRECT?

15 A CORRECT.

16 Q AND YOU MET HIM BECAUSE YOU PROVIDED SOME
17 TRANSPORTATION FOR HIM; IS THAT CORRECT?

18 A CORRECT.

19 Q AND WHILE YOU WERE PROVIDING TRANSPORTATION
20 FOR HIM YOU HAD A CONVERSATION WITH HIM THAT LED TO AN
21 EXCHANGE OF PHONE NUMBERS; IS THAT HOW IT HAPPENED?

22 A YES.

23 Q AND FROM THAT POINT ON YOU STARTED SOME
24 KIND OF RELATIONSHIP; IS THAT TRUE?

25 A TRUE.

26 Q HOW WOULD YOU DESCRIBE YOUR RELATIONSHIP
27 FROM THE TIME YOU MET HIM ON FEBRUARY 25TH UP UNTIL
28 MARCH 31ST BEFORE ANYTHING BAD HAPPENED THAT DAY?

1 HOW WOULD YOU DESCRIBE -- IF SOMEONE
2 SAID -- ON MARCH 30TH, FOR EXAMPLE, THE DAY BEFORE, IF
3 SOMEONE SAID TO YOU WHAT KIND OF RELATIONSHIP DO YOU HAVE
4 WITH ERIC, HOW WOULD YOU ANSWER THAT QUESTION?

5 A IT WAS JUST MORE LIKE -- I WOULD SAY LIKE A
6 FRIEND LEVEL, BUT IT WAS KIND OF LIKE MORE ASSOCIATE, TOO.

7 Q WHAT DOES THAT MEAN?

8 A "ASSOCIATE" MEANS LIKE SOMEBODY -- THEY
9 JUST LIKE -- THEY NOT REALLY CALLING YOU THEY BOYFRIEND OR
10 GIRLFRIEND. THEY JUST KIND OF JUST WORK WITH YOU WHEN
11 THEY WANT TO WORK WITH YOU.

12 Q OKAY. SO YOU WOULDN'T DESCRIBE IT AS A
13 DATING RELATIONSHIP; IS THAT WHAT YOU'RE SAYING?

14 A YES.

15 Q IT WAS NOT A DATING RELATIONSHIP IN YOUR
16 MIND?

17 A RIGHT.

18 Q BECAUSE WHAT MAKES A DATING RELATIONSHIP?
19 WHAT HAS TO BE THERE BEFORE YOU WOULD CALL
20 IT A DATING RELATIONSHIP?

21 A ME LIKE PERSONALLY, LIKE IF YOU -- IF HE
22 TAKE YOU AROUND SOMEBODY, A GUY TAKE YOU AROUND SOMEBODY
23 AND HE INTRODUCE YOU, LIKE, OH, THIS IS MY GIRL OR
24 WHATEVER. HE NEVER INTRODUCED ME LIKE THAT OR WHATEVER.
25 IT WAS JUST LIKE I HAD INTRODUCED MYSELF.

26 Q SO WHENEVER HE -- YOU WERE AROUND PEOPLE
27 THAT HE KNEW YOU WOULD HAVE TO INTRODUCE YOURSELF?

28 A YES.

1 Q HOW OFTEN DID YOU SEE EACH OTHER IN THAT
2 TIME PERIOD, FROM THE TIME YOU MET TO MARCH 31ST?

3 A EVERY OTHER DAY.

4 Q AND WHAT WOULD YOU DO WITH HIM EVERY OTHER
5 DAY DURING THAT TIME PERIOD?

6 WHAT KIND OF ACTIVITIES DID YOU GUYS ENGAGE
7 IN?

8 A GO TO THE BEACH, RIDE THE CITY, LISTEN TO
9 MUSIC, RAP MUSIC, DRINK SOMETIME, HENNESSY, GO OUT TO EAT.
10 WE'LL GO LIKE OUT TO EAT, LIKE RESTAURANTS, LIKE RED
11 LOBSTER, FRIDAY'S, AND THEN LIKE A CAFE, AND THEN WE'LL DO
12 LIKE FAST FOOD SOMETIME.

13 Q WERE YOU WORKING TWO JOBS DURING THIS
14 PERIOD OF TIME?

15 A YES.

16 Q SO WHEN YOU TESTIFY THAT YOU WOULD SEE HIM
17 APPROXIMATELY EVERY OTHER DAY, THESE WOULDN'T BE ALL DAY
18 EVENTS, WOULD THEY?

19 A NO.

20 Q WOULD IT BE SORT OF AN HOUR HERE, COUPLE
21 HOURS THERE, THAT KIND OF THING, OR SOMETHING ELSE?

22 A SOMETIMES IT WILL BE LIKE 30 MINUTES,
23 20 MINUTES. SOMETIMES NOT THAT LONG BECAUSE I WORK. SO
24 DURING THE WEEK IT WOULD BE LIKE MAYBE AN HOUR.

25 Q DID YOU -- AND I'M NOT TRYING TO EMBARRASS
26 YOU, BUT I'VE ASKED YOU THIS QUESTION BEFORE. DID YOU
27 HAVE ANY KIND OF AN INTIMATE RELATIONSHIP WITH HIM?

28 DO YOU KNOW WHAT I MEAN BY THAT?

1 A YES.

2 Q OKAY. DID YOU?

3 A YES.

4 Q AND SO THERE'S NO AMBIGUITY, WHEN I SAY
5 "INTIMACY," I MEAN OF A SEXUAL NATURE.

6 A YES.

7 Q DID YOU TELL ME BEFORE COMING INTO THE ROOM
8 WHEN WE SPOKE ON A PRIOR OCCASION THAT YOU DIDN'T FEEL
9 THAT HE WAS VERY AFFECTIONATE TOWARDS YOU?

10 A YES, I DID.

11 Q WHAT DID YOU MEAN BY THAT?

12 A HE DIDN'T LIKE HOLD MY HAND AND STUFF LIKE
13 THAT. LIKE HE'LL HUG ME SOMETIME, BUT NOT ALL THE TIME.
14 AND WE NEVER KISSED.

15 Q NEVER IN THE ENTIRE TIME YOU KNEW HIM?

16 A NEVER.

17 Q DID YOU WANT TO KISS HIM?

18 A YEAH. I KISSED HIM ON THE FOREHEAD.

19 Q DID YOU FIND IT ODD THAT HE WOULDN'T KISS
20 YOU?

21 A YES.

22 Q DID YOU EVER HAVE A CONVERSATION ABOUT
23 THAT?

24 A NO.

25 Q DID YOU KNOW WHERE HE LIVED?

26 DID YOU LEARN WHERE HE LIVED?

27 A WHEN -- WHEN I FIRST PICKED HIM UP OR --

28 Q AT SOME POINT IN YOUR RELATIONSHIP OR THE

1 TIME YOU KNEW HIM DID YOU LEARN WHERE HE LIVED?

2 DID YOU EVER GO TO HIS HOUSE?

3 A YES.

4 Q OKAY. DID HE LIVE SOMEPLACE OUTSIDE OF THE
5 CITY OF LOS ANGELES?

6 A YES.

7 Q AND -- OKAY. DO YOU WANT TO TAKE A BREAK
8 HERE?

9 MS. AENLLE-ROCHA: YES.

10 SO, MS., I KNOW YOU WERE HERE YESTERDAY,
11 AND WE HAD HOPED WE COULD FINISH WITH YOUR TESTIMONY THIS
12 MORNING, BUT WE NEEDED TO TAKE THAT BREAK SO THAT YOU
13 COULD SPEAK WITH YOUR LAWYER.

14 THIS IS OUR LUNCHTIME NOW. OUR LUNCH IS
15 11:30 TO 1:00. SO I'M GONNA ASK THAT YOU GO TO LUNCH AND
16 COME BACK. YOU'LL BE THE FIRST WITNESS BACK ON THE STAND
17 WHEN WE COME BACK AND THEN WE WILL DEFINITELY FINISH WITH
18 YOUR TESTIMONY TODAY. AND AGAIN, I APOLOGIZE THAT YOU HAD
19 TO COME BACK AGAIN.

20 DO YOU UNDERSTAND?

21 THE WITNESS: I UNDERSTAND.

22 MS. AENLLE-ROCHA: OKAY. THANK YOU.

23 SO THE FOREPERSON -- THERE IS AN ADMONITION
24 THAT SHE'S GOING TO READ TO YOU.

25 GO AHEAD AND PUSH THAT MONITOR DOWN RIGHT
26 THERE NEXT TO YOU.

27 THANK YOU, MADAM FOREPERSON.

28 AND LISTEN TO HER AND THEN WE'LL TALK AS

1 SOON AS SHE FINISHES.

2 GO AHEAD, MADAM FOREPERSON. THANK YOU.

3 THE FOREPERSON: YOU WILL RECALL THAT YOU --

4 MS. AENLLE-ROCHA: I'M SORRY. PARDON ME. IT'S THE
5 LONG VERSION. OH, NO -- YEAH, IT'S THE LONG VERSION. WE
6 DIDN'T GIVE HER THE SHORT VERSION.

7 THE FOREPERSON: YOU ARE ADMONISHED -- BEFORE YOU
8 LEAVE, PLEASE LISTEN CAREFULLY TO WHAT I AM GOING TO SAY
9 TO YOU.

10 YOU ARE ADMONISHED NOT TO REVEAL TO ANY
11 PERSON, EXCEPT AS DIRECTED BY THE COURT, WHAT QUESTIONS
12 WERE ASKED OR WHAT RESPONSES WERE GIVEN OR ANY OTHER
13 MATTERS CONCERNING THE NATURE OR SUBJECT OF THE GRAND
14 JURY'S INVESTIGATION WHICH YOU LEARNED DURING YOUR
15 APPEARANCE BEFORE THE GRAND JURY UNLESS AND UNTIL SUCH
16 TIME AS THE TRANSCRIPT OF THIS GRAND JURY PROCEEDING IS
17 MADE PUBLIC.

18 I WISH TO ADVISE YOU THAT A VIOLATION OF
19 THIS ORDER CAN BE THE BASIS OF A CONTEMPT OF COURT CHARGE
20 AGAINST YOU.

21 DO YOU UNDERSTAND THIS ADMONITION?

22 MS. AENLLE-ROCHA: BEFORE YOU ANSWER THAT QUESTION,
23 LET ME TELL YOU THAT YOU MAY SPEAK WITH YOUR LAWYER.
24 SO THE ADMONITION DOESN'T MENTION THAT, BUT YOU HAVE A
25 LAWYER AND YOU CAN TELL YOUR LAWYER ANYTHING AND
26 EVERYTHING, ALL THE QUESTIONS, ALL OF THE ANSWERS THAT
27 OCCURRED IN HERE WHILE YOU WERE HERE. YOU MAY SPEAK WITH
28 YOUR LAWYER TO DISCUSS ALL OF THOSE THINGS. YOU JUST

1 CAN'T TELL ANYONE ELSE.

2 AND DO YOU UNDERSTAND THAT?

3 THE WITNESS: UNDERSTAND.

4 MS. AENLLE-ROCHA: AND YOU UNDERSTAND THE
5 ADMONITION AS TO THAT, THAT YOU CAN SPEAK WITH YOUR
6 LAWYER, BUT NO ONE ELSE?

7 THE WITNESS: YES.

8 MS. AENLLE-ROCHA: ALL RIGHT. SO HAVE A NICE LUNCH
9 AND WE'LL SEE YOU BACK AT ABOUT 12:55. I HOPE TO START
10 RIGHT ON TIME AT ONE O'CLOCK SO THAT WE CAN FINISH WITH
11 YOU. ALL RIGHT?

12 THE WITNESS: ALL RIGHT.

13 MS. AENLLE-ROCHA: THANK YOU SO MUCH.

14 THE WITNESS: YOU'RE WELCOME.

15 MS. AENLLE-ROCHA: YOU'RE EXCUSED. AND THE
16 SERGEANT-AT-ARMS WILL OPEN THE DOOR FOR YOU.

17

18 (THE WITNESS EXITED THE GRAND JURY
19 HEARING ROOM.)

20

21 MS. AENLLE-ROCHA: THANK YOU, MADAM FOREPERSON.

22 WOULD YOU PLEASE RECESS THIS HEARING AND
23 ORDER THE GRAND JURORS TO RETURN AT ONE O'CLOCK. SO
24 ORDERED?

25 THE FOREPERSON: SO ORDERED.

26 MS. AENLLE-ROCHA: AND IN ADDITION TO THE
27 ADMONITION, I JUST WANT TO REMIND THE GRAND JURORS THAT
28 THEY CANNOT DISCUSS -- JUST SPECIFICALLY NOT DISCUSS THIS.

1 YOU MAY NOT DISCUSS ANYTHING REGARDING THIS CASE WITH
2 ANYONE UNTIL YOU ARE DELIBERATING. THAT'S WHAT THE
3 ADMONITION SAYS. THAT INCLUDES ME, THE STAFF. ANY LITTLE
4 QUESTION REGARDING ANYTHING REGARDING WHAT'S HAPPENED IN
5 HERE DURING THIS HEARING IS OFF THE TABLE. YOU CANNOT
6 DISCUSS THAT UNTIL DELIBERATIONS WHEN YOU'RE WITH ALL OF
7 YOUR FELLOW JURORS. AND EVEN JUST -- NOTHING.
8 ABSOLUTELY, COMPLETELY NOTHING.

9 SO I'M GOING TO ADMONISH YOU REGARDING THAT
10 AND I JUST WANTED TO EMPHASIZE THAT.

11 GRAND JURORS ARE ADMONISHED AND ADVISED NOT
12 TO DISCUSS THIS MATTER OR FORM ANY OPINIONS UNTIL SUCH
13 TIME AS IT IS GIVEN TO YOU FOR DELIBERATIONS.

14 THANK YOU. WE ARE IN RECESS.

15 AND PLEASE ESCORT THE D.A. FROM THE HEARING
16 ROOM.

17
18 (DEPUTY DISTRICT ATTORNEY MC KINNEY
19 EXITED THE GRAND JURY HEARING ROOM.)

20
21 (AT 11:33 A.M., A LUNCH RECESS WAS TAKEN
22 UNTIL 1:00 P.M. OF THE SAME DAY.)
23
24
25
26
27
28

1 LOS ANGELES, CALIFORNIA; TUESDAY, MAY 7, 2019

2 1:06 P.M.

3 -000-

4
5 (AT THE BEGINNING OF THE PROCEEDINGS,
6 23 GRAND JURORS WERE PRESENT.)
7

8 MS. AENLLE-ROCHA: MADAM FOREPERSON, WOULD YOU
9 PLEASE CALL THIS CRIMINAL GRAND JURY HEARING TO ORDER. SO
10 ORDERED?

11 THE FOREPERSON: SO ORDERED.

12 MS. AENLLE-ROCHA: THANK YOU.

13 PLEASE LET THE RECORD REFLECT THAT THE SAME
14 NUMBER AS WELL AS THE SAME GRAND JURORS PRESENT AT
15 MORNING'S ROLL CALL ARE PRESENT. ALSO PRESENT IS DEPUTY
16 DISTRICT ATTORNEY JOHN MC KINNEY AND MYSELF, THE GRAND
17 JURY LEGAL ADVISOR.

18 AND, PLEASE, LET'S RECALL WITNESS #1.
19

20 (THE WITNESS ENTERED THE GRAND JURY
21 HEARING ROOM.)
22

23 MS. AENLLE-ROCHA: OKAY. SO THE WITNESS HAS
24 ENTERED THE HEARING ROOM.

25 //

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WITNESS #1,

 CALLED AS A WITNESS BEFORE THE GRAND JURY
 OF THE COUNTY OF LOS ANGELES, HAVING BEEN
 PREVIOUSLY SWORN, RESUMED THE STAND AND
 TESTIFIED FURTHER AS FOLLOWS:

 MS. AENLLE-ROCHA: AND, MADAM FOREPERSON, IF YOU
 WOULD PLEASE REMIND WITNESS #1 OF HER OATH.

 THE FOREPERSON: YOU WILL RECALL THAT YOU HAVE
 PREVIOUSLY BEEN SWORN AND ARE STILL UNDER OATH.

 THE WITNESS: YES.

 MS. AENLLE-ROCHA: THANK YOU.

 AND DURING THE LUNCH DID YOU HAVE A CHANCE
 TO TALK WITH YOUR LAWYER AGAIN?

 THE WITNESS: NO.

 MS. AENLLE-ROCHA: OKAY. BUT YOU KNOW IF YOU NEED
 TO YOU JUST NEED TO LET ME KNOW?

 THE WITNESS: YES.

 MS. AENLLE-ROCHA: OKAY. AND DID YOU LEAVE YOUR
 CELL PHONE OUTSIDE?

 THE WITNESS: DID I USE IT?

 MS. AENLLE-ROCHA: LEAVE IT OUTSIDE.

 THE WITNESS: OH, YES.

 MS. AENLLE-ROCHA: YOU DON'T HAVE ANY RECORDING
 DEVICES ON YOU, CORRECT?

 THE WITNESS: NO. CORRECT.

 MS. AENLLE-ROCHA: PERFECT.

 MADAM FOREPERSON, WITH YOUR PERMISSION, MAY

1 MR. MC KINNEY CONTINUE WITH HIS EXAMINATION OF THIS
2 WITNESS?

3 THE FOREPERSON: YES.
4
5

6 EXAMINATION
7 (RESUMED)
8

9 BY MR. MC KINNEY:

10 Q ALL RIGHT. GOOD AFTERNOON.

11 A GOOD AFTERNOON.

12 Q I THINK AT THE BREAK I ASKED YOU IF YOU
13 KNEW WHERE HOLDER ERIC LIVED OR AT WHAT POINT YOU LEARNED
14 WHERE HE LIVED. DO YOU RECALL THAT QUESTION?

15 A YES, I RECALL.

16 Q OKAY. HOW LONG DID YOU KNOW HIM BEFORE YOU
17 LEARNED WHERE HE LIVED?

18 A I DON'T UNDERSTAND THE QUESTION.

19 Q OKAY. DID YOU BECOME AWARE OF HIS HOME
20 ADDRESS THE FIRST DAY YOU MET HIM?

21 A YES.

22 Q WITHOUT TELLING US WHERE HE LIVED, DID HE
23 LIVE CLOSE TO WHERE YOU WERE LIVING AT THE TIME?

24 A WHERE I WAS ABOUT TO MOVE AT. I WAS MOVING
25 AT THE TIME WHERE HE LIVE AT.

26 Q OKAY. AND WAS THAT JUST BY COINCIDENCE
27 THAT YOU WERE MOVING TO AN AREA CLOSE TO WHERE HE WAS
28 ALREADY LIVING?

1 A CORRECT.

2 Q WHERE WERE YOU MOVING -- PRIOR TO MOVING,
3 WERE YOU LIVING WITH YOUR MOTHER?

4 A YES.

5 Q WERE THE TWO OF YOU LIVING, SAY, WITHIN
6 FIVE MILES OF WHERE HE LIVED OR FARTHER?

7 A YEAH, ABOUT A MILE. ABOUT THAT. IT'S LIKE
8 AROUND THE CORNER, SOMETHING LIKE -- SOMETHING LIKE HERE,
9 YOU GO AROUND THE CORNER. LIKE THAT CLOSE.

10 Q THAT'S WHERE YOUR MOTHER LIVED?

11 A YES.

12 Q OKAY. SO THAT SOUNDS LIKE IT'S NOT FIVE
13 MILES. IT SOUNDS LIKE IT'S A LOT SHORTER THAN FIVE MILES.

14 A YEAH, IT IS.

15 Q LET ME ASK YOU THIS: COULD YOU WALK FROM
16 HIS HOUSE TO YOUR MOTHER'S HOUSE?

17 A YES.

18 Q SO IT WAS THAT CLOSE?

19 A YES.

20 Q COULD YOU WALK THERE IN 15 MINUTES?

21 A LESS.

22 Q ALL RIGHT. NOW, THAT'S A LOT SHORTER THAN
23 FIVE MILES.

24 A OH, OKAY.

25 Q DID HE AT SOME POINT BECOME AWARE OF YOUR
26 MOTHER'S ADDRESS?

27 A WHEN?

28 Q I'M ASKING YOU. DID HE EVER LEARN WHERE

1 YOUR MOTHER LIVED?

2 A WHEN I KNEW HIM?

3 Q YES.

4 A WHEN I FIRST MET HIM?

5 Q NO. AT ANY TIME DURING THE TIME YOU KNEW
6 HIM, DID HE BECOME AWARE OF THE ADDRESS WHERE YOUR MOTHER
7 LIVED?

8 A YES.

9 Q DID YOU IN FACT BRING HIM TO THE HOME YOU
10 WERE SHARING WITH YOUR MOTHER?

11 A YES.

12 Q HOW LONG HAD YOU KNOWN HIM -- FROM
13 FEBRUARY 25TH IN TERMS OF WEEKS, HOW LONG HAD YOU KNOWN
14 HIM BEFORE YOU BROUGHT HIM TO YOUR MOTHER'S HOUSE?

15 A A WEEK OR TWO.

16 Q DID HE MEET YOUR MOTHER?

17 A YES.

18 Q SO WITHIN TWO WEEKS YOU WERE INTRODUCING
19 HIM TO YOUR MOTHER; IS THAT CORRECT?

20 A CORRECT.

21 Q IS THAT BECAUSE YOU REALLY LIKED HIM OR WHY
22 DID YOU DO THAT?

23 A HE SUGGESTED IT.

24 Q WHAT DO YOU MEAN BY THAT?

25 A HE ASKED ME. HE WANTED TO MEET MY MOM. HE
26 WAS JUST LIKE, "I WANT TO MEET YOUR MOM."

27 Q HOW LONG DID YOU KNOW HIM BEFORE HE MADE
28 THAT SUGGESTION OR ASKED FOR THAT?

1 A A COUPLE OF DAYS AFTER I MET HIM.

2 Q DID YOU FIND THAT ODD?

3 A YES, I DID. I THOUGHT IT A LITTLE ODD, BUT
4 THEN I WAS JUST LIKE OH, YOU KNOW, I NEVER HAD A GUY ASK
5 ME, YOU KNOW, CAN HE MEET MY MOM, SO MAYBE HE WANTED TO BE
6 SERIOUS WITH ME. I DIDN'T -- I WASN'T THINKING ABOUT HIM
7 MEETING MY MOM.

8 Q OKAY. SO WHEN HE ASKED THAT QUESTION, DID
9 YOU HAVE ANY -- ANY CONCERNS ABOUT INTRODUCING YOUR MOTHER
10 TO SOMEBODY THAT YOU BARELY KNEW?

11 A NO. I WAS JUST LIKE I WAS JUST GONNA GO
12 AHEAD AND LET HER MEET HIM AND SEE WHAT MY MOM SAY.

13 Q SO IN THE PERIOD OF TIME THAT YOU KNEW HIM,
14 WE'RE TALKING ABOUT A LITTLE BIT OVER A MONTH FROM
15 FEBRUARY 25TH TO MARCH 31ST, DID YOU EVER GO TO HIS
16 APARTMENT?

17 A YES.

18 Q APPROXIMATELY HOW MANY TIMES?

19 A TEN.

20 Q DID HE LIVE ALONE OR WITH SOMEONE?

21 A HIS UNCLE LIVED THERE, BUT EVERY TIME I
22 CAME OVER HE WASN'T THERE. BUT, YOU KNOW, HE'LL COME
23 SOMETIMES, HIS UNCLE, AND SPEND THE NIGHT, BUT IT WAS LIKE
24 HE WASN'T THERE, HE WASN'T THERE, BUT HE SAY HE LIVED
25 THERE, HIS UNCLE.

26 Q OKAY. YOU JUST CONFUSED ME WITH HE WASN'T
27 THERE, BUT HE WAS THERE.

28 A OH, WHAT I'M TRYING TO SAY IS HE WOULD

1 SPEND THE NIGHT THERE, HIS UNCLE, BUT IT DIDN'T SEEM LIKE
2 HE BE THERE ALL THE TIME.

3 Q OKAY. SO FROM THE TIMES OR THE WAY THAT
4 YOU WOULD SEE THE UNCLE COME AND GO IT DIDN'T APPEAR HE
5 WAS LIVING THERE, BUT HE WOULD COME OVER FROM TIME TO
6 TIME?

7 A YES, AND SPEND THE NIGHT.

8 Q DID YOU EVER INTERACT WITH THAT PERSON?

9 A NO. I DIDN'T REALLY TALK TO HIM.

10 Q DID HE EVER TALK TO YOU, SEEM INTERESTED IN
11 GETTING TO KNOW YOU?

12 A YEAH.

13 Q AND --

14 MS. AENLLE-ROCHA: IS THAT A "YES"?

15 THE WITNESS: YES.

16 AND ERIC KIND OF LIKE DIDN'T WANT HIM LIKE
17 TALKING TO ME, LIKE CUT OUT THE CONVERSATION WHEN HE DID
18 TRY TO TALK TO ME.

19 BY MR. MC KINNEY:

20 Q OKAY. DID YOU FIND THAT ODD?

21 A YEAH.

22 Q DID YOU -- DID YOU SAY SOMETHING TO ERIC
23 ABOUT THAT?

24 A NO.

25 Q HAVE YOU EVER SEEN HIM WITH HIS SHIRT OFF,
26 MEANING ERIC?

27 A JUST THAT DAY. I ONLY SEEN HIM WITH HIS
28 SHIRT OFF THAT DAY.

1 Q WHAT DAY?

2 A MARCH 31ST.

3 Q THE DAY OF THE SHOOTING?

4 A YES.

5 Q SO FROM THE TIME THAT YOU KNEW HIM YOU
6 NEVER SAW HIM WITH HIS SHIRT OFF?

7 A NO, JUST WITH A TANK TOP. THAT'S LIKE THE
8 FURTHEST I SEEN HIM WITH IT OFF.

9 Q NOW, YOU TESTIFIED THAT OVER THE MONTH THAT
10 YOU KNEW HIM YOU HAD SOME SEXUAL INTIMACY WITH HIM, AND I
11 ASSUME THAT THAT MEANS AT LEAST -- AT LEAST ON ONE
12 OCCASION FULL SEXUAL INTERCOURSE; IS THAT CORRECT?

13 A CORRECT.

14 Q WAS IT JUST ONE OCCASION THAT YOU HAD THAT
15 KIND OF SEX WITH HIM?

16 A YES.

17 Q SO DID YOU HAVE AN OPPORTUNITY TO SEE HIM
18 WITHOUT HIS SHIRT ON AT THAT TIME?

19 A NO. HE HAD HIS CLOTHES ON.

20 Q LET ME SHOW YOU AN EXHIBIT THAT'S BEEN
21 PREVIOUSLY MARKED AS GRAND JURY EXHIBIT NUMBER 8. DO YOU
22 RECOGNIZE WHAT'S SHOWN HERE?

23 MS. AENLLE-ROCHA: OKAY. I'M SO SORRY. MADAM
24 FOREPERSON, IF YOU WOULD RAISE THE MONITOR FOR THE
25 WITNESS.

26 THE FOREPERSON: YES. I'M SO SORRY.

27 MS. AENLLE-ROCHA: A LITTLE BIT MORE. YES.

28 PERFECT. THANK YOU.

1 BY MR. MC KINNEY:

2 Q DO YOU RECOGNIZE WHAT'S SHOWN IN THIS
3 EXHIBIT?

4 A WITH HIS SHIRT OFF?

5 Q NO. DO YOU RECOGNIZE WHAT THIS PICTURE
6 SHOWS, WHAT THIS IS A PICTURE OF?

7 A NO.

8 Q OKAY. DO YOU KNOW THE PERSON IN THAT
9 PICTURE?

10 A YES.

11 Q WHO IS THAT?

12 A ERIC.

13 Q OKAY. DO YOU KNOW WHEN THIS PICTURE WAS
14 TAKEN?

15 A MARCH THE 31ST.

16 Q THE SAME DAY AS THE SHOOTING?

17 A YES.

18 Q HOW DO YOU KNOW THAT THE PICTURE WAS TAKEN
19 ON THAT DAY?

20 A THAT'S THE DAY THAT HE HAD HIS SHIRT OFF
21 AND I REMEMBER THE BANDANA AROUND HIS NECK.

22 Q OKAY. WHAT ABOUT THE PANTS AND THE SHOES?
23 DO YOU RECOGNIZE THAT HE WAS DRESSED THAT
24 WAY ON THAT DAY?

25 A YES.

26 Q OKAY. NOW, AS WE LOOK AT THIS PICTURE, IT
27 LOOKS LIKE HE HAS QUITE A FEW TATTOOS THAT WE CAN SEE ON
28 THE FRONT OF HIS TORSO AND HIS ARMS. DO YOU SEE THOSE

1 TATTOOS?

2 A YES.

3 Q WHEN WAS THE FIRST TIME AFTER MEETING HIM
4 THAT YOU SAW THE TATTOOS ON HIS CHEST AND STOMACH?

5 A THE SECOND DAY.

6 Q OKAY. WHAT TATTOOS DID YOU SEE ON THE
7 SECOND DAY?

8 A THE L.A., THE MONEY BAG, AND I REMEMBER
9 SEEING THE "GIFT" ON THE ARM.

10 Q OKAY. DO YOU SEE THAT DEVICE ON THE TABLE
11 IN FRONT OF YOU?

12 A YES.

13 Q IT'S A LASER POINTER. THE TOP BUTTON ONLY.
14 YOU DON'T HAVE TO POINT AT THE SCREEN, JUST PRESS THE
15 BUTTON AND LOOK AT THE SCREEN.

16 OKAY. YOU SEE THE CURSOR? HOLD THAT
17 BUTTON DOWN.

18 A THE THING YOU SHOWED ME?

19 Q TOP ONE. CAN YOU MOVE IT? POINT IT OVER.
20 THERE YOU GO.

21 A OH.

22 Q SHOW US THE AREA WHERE YOU SAW TATTOOS ON
23 HIM AT ANY TIME BEFORE THE 31ST.

24 A RIGHT HERE, THE L.A. IT'S KIND OF COVERED
25 UP, BUT I SAW -- HE HAS AN L.A. RIGHT HERE --

26 Q YOU'RE POINTING TO LIKE HIS NECK, MIDDLE
27 THROAT AREA?

28 A YEAH. IT'S LIKE WHERE HE GOT THE BANDANA

1 TIED AT.

2 Q OKAY. YOU SAW THE INITIALS L.A.?

3 A YES.

4 Q LIKE THE DODGERS LOGO L.A.?

5 A YES.

6 Q OKAY. WHAT ELSE DID YOU SEE?

7 A I SEEN THIS, THE MONEY BAG.

8 Q AND YOU'RE POINTING TO A MONEY SYMBOL IN
9 THE MIDDLE OF HIS CHEST?

10 A YES.

11 Q TOP -- WELL, DIRECTLY IN THE MIDDLE OF HIS
12 CHEST.

13 WHAT ELSE DID YOU SEE?

14 A THE "GIFT" ON HIS ARM.

15 Q YOU'RE POINTING TO THE WORD "GIFT" ON HIS
16 LEFT ARM?

17 A YES.

18 Q WHAT ELSE DID YOU SEE?

19 A THAT'S IT.

20 Q AND IT'S YOUR TESTIMONY'S THAT ON THE DAY
21 OF THE SHOOTING HE WAS DRESSED AS HE IS IN THIS
22 PHOTOGRAPH, CORRECT?

23 A CORRECT.

24 Q DO YOU KNOW WHERE THIS PHOTOGRAPH WAS
25 TAKEN?

26 A MASTER BURGER.

27 Q OKAY. HOW DO YOU RECOGNIZE THAT?

28 A BY THE RED BENCH.

1 Q OKAY. DID YOU HAVE AN OPPORTUNITY TO SEE
2 INTO THE MASTER BURGER ON THAT DAY YOU WERE AT THE PARKING
3 LOT?

4 A NO, JUST A LITTLE GLIMPSE. I DIDN'T GO
5 INSIDE.

6 Q OKAY. I WANT TO SHOW YOU ANOTHER EXHIBIT.
7 THIS IS GRAND JURY EXHIBIT NUMBER 16. IT APPEARS TO BE
8 TWO PHOTOS OF ERIC SHOWING HIS ARMS, HIS CHEST, AND HIS
9 TORSO. YOU CAN SEE THE TATTOOS A LITTLE BETTER HERE; IS
10 THAT RIGHT?

11 A YES.

12 Q SO DO YOU SEE ANY OTHER TATTOOS MORE
13 CLEARLY IN THESE PHOTOS THAT YOU HAD SEEN BEFORE THE 31ST?

14 A YES.

15 Q TELL US ABOUT THAT.

16 A I SEEN THE GUN THAT'S RIGHT HERE -- THE GUN
17 THAT'S RIGHT HERE BY THE "GIFT."

18 Q AND YOU'RE POINTING TO AN OBJECT TATTOOED
19 UNDER THE "T" SORT OF AT THE BEND IN HIS ELBOW ON THE LEFT
20 SIDE?

21 A YES.

22 Q OKAY. WHAT ELSE?

23 A THAT'S IT.

24 Q DID YOU ASK HIM ANY QUESTIONS ABOUT ANY OF
25 THOSE TATTOOS?

26 A JUST ONE.

27 Q WHICH ONE?

28 A THE L.A. ONE THAT HE HAS ON HIS NECK.

1 Q CAN WE SEE IT IN THESE PHOTOS?

2 IS IT VISIBLE?

3 A NO, IT'S NOT THERE.

4 MS. AENLLE-ROCHA: IT'S NOT THERE OR YOU CAN'T SEE
5 IT FROM THE ANGLE THAT THE PHOTOS WERE TAKEN?

6 THE WITNESS: I CAN'T SEE IT FROM WHERE THE ANGLES
7 ARE TAKEN AT FROM THE PHOTO.

8 MS. AENLLE-ROCHA: OKAY.

9 DID YOU EVER SEE THE WORD "SIXTIES" ON HIS
10 LOWER STOMACH?

11 THE WITNESS: NO.

12 BY MR. MC KINNEY:

13 Q AT SOME POINT DURING THE TIME THAT YOU KNEW
14 HIM DID YOU LEARN THAT HE WAS A GANG MEMBER?

15 A NO.

16 Q AT NO TIME?

17 A NO TIME.

18 Q WHEN WAS THE FIRST THAT YOU EVER HEARD, IF
19 AT ALL, THAT HE WAS A MEMBER OF A GANG?

20 A MONDAY ON APRIL THE 1ST.

21 Q AFTER THE SHOOTING?

22 A YES.

23 Q DID THE TWO OF YOU HAVE ANY CONVERSATION
24 ABOUT GANGS?

25 A NO.

26 Q WHEN YOU MET HIM AND FOR THE TIME THAT YOU
27 SPENT WITH HIM DURING THAT MONTH, THE TWO OF YOU WERE
28 LIVING IN A CITY OUTSIDE OF LOS ANGELES CITY, CORRECT?

1 A CORRECT.

2 Q DID HE -- DID YOU -- DID HE EVER TALK TO
3 YOU ABOUT WHETHER HE KNEW PEOPLE OR HAD EVER LIVED IN
4 LOS ANGELES?

5 A NO.

6 Q DID HE EVER TELL YOU HE WAS FROM L.A.?

7 A YES.

8 Q OKAY. WHAT DID HE TELL YOU ABOUT THAT?

9 A HE JUST SAID HE LIVED OUT THERE AND THEN HE
10 MOVED TO -- ON THIS -- ON THE SIDE WHERE I LIVE AT NOW.

11 Q DID YOU EVER ASK HIM ABOUT THE TATTOO OF
12 THE GUN ON HIS ARM?

13 A NO.

14 Q WHY NOT?

15 A BECAUSE HE ALREADY -- LIKE HE -- I KNOWED
16 HIM FROM HAVING A GUN, SO MAYBE I JUST THOUGHT MAYBE HE
17 JUST HAD IT THERE JUST TO SAY, YOU KNOW, HE GOT A GUN. SO
18 I DIDN'T QUESTION THAT.

19 Q BUT YOU QUESTIONED THE L.A. LETTERS?

20 A YES.

21 Q WHY DID YOU ASK HIM ABOUT THE L.A. LETTERS?

22 A JUST BECAUSE I WAS FROM L.A., LIKE I USED
23 TO LIVE IN L.A., SO I JUST WANTED TO SEE LIKE WAS HE LIKE
24 IN SOME TYPE OF GANG OR WHY DID HE HAVE L.A. ON THERE.

25 Q IS THAT WHEN HE TOLD YOU HE USED TO LIVE IN
26 L.A.?

27 A YES.

28 Q DID HE TELL YOU WHY HE LEFT L.A.?

1 A NO.

2 Q DID HE TELL YOU WHETHER OR NOT HE HAD ANY
3 PROBLEMS IN L.A.?

4 A NO.

5 Q YOU SAID YOU WERE ABLE TO AT SOME POINT SEE
6 THE WORD "GIFT." WHAT WAS HE WEARING THAT ALLOWED YOU TO
7 SEE THE WORD "GIFT"?

8 A LIKE THE WHITE LITTLE TANK TOP SHIRT. HE
9 WOULD WEAR THOSE SOMETIME.

10 Q SLEEVELESS?

11 A YES.

12 Q OKAY. SO IF YOU WERE ABLE TO SEE HIS LEFT
13 ARM, WERE YOU ALSO ABLE TO SEE HIS RIGHT ARM?

14 A YES.

15 Q OKAY. ON HIS RIGHT ARM AS WE LOOK AT THESE
16 PHOTOS THERE'S THE WORD "GOD'S" AT THE TOP PORTION OF HIS
17 RIGHT ARM FROM THE SHOULDER TO THE ELBOW. DID YOU SEE
18 THAT BEFORE THE 31ST?

19 A MAYBE. I CAN'T REMEMBER. I KNOW -- I
20 NOTICED HIS WRIST, HIS HAND. I LOOKED AT HIS HAND
21 SOMETIME. I DIDN'T REALLY KIND OF NOTICE THE "GOD" ON
22 THE -- ON THAT SIDE.

23 Q WHAT DOES HE HAVE UNDERNEATH THE GUN? WERE
24 YOU EVER ABLE TO SEE HIS FOREARMS?

25 A NO.

26 Q WELL, IF HE'S WEARING A TANK TOP, YOU
27 SHOULD BE ABLE TO SEE ALL OF HIS ARMS, FRONT AND BACK,
28 CORRECT?

1 A CORRECT.

2 Q OKAY. SO YOUR TESTIMONY IS WHEN HE WORE
3 TANK TOPS -- WHICH HE WORE A LOT, CORRECT?

4 A NOT ALL THE TIME. JUST SOMETIMES.

5 Q OKAY. DURING THOSE TIMES YOU HAD AN
6 OPPORTUNITY AT LEAST TO SEE HIS FULL ARMS, CORRECT?

7 A CORRECT.

8 Q AND AS WE LOOK AT THESE PHOTOS HE HAS A
9 NUMBER OF TATTOOS ON BOTH ARMS BELOW THE ELBOW, CORRECT?

10 A CORRECT.

11 Q DID YOU EVER ASK HIM ANY QUESTIONS ABOUT
12 THOSE TATTOOS?

13 A NO.

14 Q DID YOU EVER LOOK AT THOSE TATTOOS AND
15 WONDER WHAT THEY WERE OR WHY HE HAD THEM?

16 A NO. I DID NOTICE THAT HE HAD A LOT OF
17 TATTOOS, THOUGH, BUT I DIDN'T REALLY LOOK AT HIM LIKE
18 THAT. I JUST NOTICED LIKE CERTAIN THINGS ABOUT 'EM. I
19 DIDN'T REALLY LIKE TRY TO LOOK AT ALL THE TATTOOS HE HAD.

20 Q DID ANY OF THE TATTOOS THAT YOU SAW CAUSE
21 YOU ANY CONCERN OR RAISE ANY QUESTIONS ABOUT HIM?

22 A JUST THAT HE HAD SO MANY.

23 Q AND WHAT DID YOU THINK ABOUT THAT?

24 A I JUST THOUGHT MAYBE HE JUST LIKED TO GET A
25 LOT OF TATTOOS OR SOMETHING MAYBE, YOU KNOW. BUT HE HAD A
26 LOT. BUT I WAS JUST -- BECAUSE I HAVE TATTOOS, TOO, BUT I
27 WOULDN'T GET THAT MANY TO MARK UP MY BODY.

28 Q OKAY. DO YOU HAVE ANY KIND OF GANG-RELATED

1 TATTOOS?

2 A NO.

3 Q DO YOU HAVE "L.A." TATTOOED ON YOU?

4 A NO.

5 Q DO YOU HAVE A GUN TATTOOED ON YOU?

6 A NO.

7 Q DO YOU HAVE ANY SKULLS AND CROSSBONES
8 TATTOOED ON YOU?

9 A NO.

10 Q SO YOUR TATTOOS ARE NOTHING OF THE TYPE
11 THAT YOU SAW ON HIM?

12 A RIGHT.

13 Q AND IT'S YOUR TESTIMONY THAT NONE OF THE
14 TATTOOS THAT YOU SAW RAISED ANY RED FLAGS OR CONCERNS THAT
15 YOU HAD ABOUT HIM; IS THAT RIGHT?

16 A NO, NOT REALLY. YOU KNOW, IT DIDN'T
17 REALLY -- LIKE IT DIDN'T REALLY -- LIKE NO CONCERNS LIKE
18 IF I DID SEE LIKE THE OTHER ONES, YEAH. LIKE THE ONES HE
19 GOT UP TOP, LIKE CRIP, I DIDN'T SEE THAT ONE.

20 Q AND YOU SAY "UP TOP." YOU'RE LOOKING AT
21 GRAND JURY EXHIBIT NUMBER -- YOU HIT THE WRONG BUTTON.

22 A OH, OKAY.

23 Q YOU'RE LOOKING AT GRAND JURY EXHIBIT NUMBER
24 16. AT THE TOP OF HIS CHEST ON THE LEFT SIDE AS WE LOOK
25 AT IT, IT SAYS "GOD" AND ON THE RIGHT SIDE IT SAYS "CRIP,"
26 CORRECT?

27 A CORRECT.

28 Q ACTUALLY, IT SAYS "HOOD CRIP."

1 A WHERE?

2 Q THE WAY IT'S WRITTEN IS "H60D" AND -- ON
3 THE LEFT SIDE AND THEN "CRIP" ON THE RIGHT SIDE, CORRECT?

4 A CORRECT.

5 Q IT'S YOUR TESTIMONY THAT YOU DIDN'T SEE
6 THAT?

7 A YES.

8 Q AND DID HE EVER TALK TO YOU ABOUT THE 60'S?

9 A NO.

10 Q BEFORE MEETING HIM HAD YOU EVER HEARD OF A
11 GANG IN LOS ANGELES CALLED THE ROLLIN 60'S?

12 A NO.

13 Q NOW, YOU'VE TESTIFIED THAT YOU HAD BEEN IN
14 THE AREA OF CRENSHAW AND SLAUSON OVER 20 TIMES IN THE YEAR
15 BEFORE THIS SHOOTING OCCURRED, CORRECT?

16 A CORRECT.

17 Q I BELIEVE YOU TESTIFIED YOU WOULD GO THERE
18 FOR THE SWAPMEET, BUT YOU ALSO DATED SOMEONE WHO LIVED AT
19 CRENSHAW AND FLORENCE; IS THAT RIGHT?

20 A YES, THAT'S CORRECT.

21 Q NOW, DO YOU KNOW WHETHER ANY GANGS OPERATE
22 IN THAT AREA?

23 A WHEN I USED TO GO THERE LIKE TO SLAUSON, I
24 DO SEE GUYS LIKE IN THE CORNER THAT HAD BANDANAS AROUND
25 THEIR FACE, TIED AROUND THEIR FACE. I DID SEE THAT, BUT I
26 DIDN'T KNOW WHAT TYPE OF GANG IT WAS.

27 Q OKAY. HAD YOU EVER HEARD OF THE
28 ROLLIN 60'S BEFORE THE SHOOTING HAPPENED ON MARCH 31ST?

1 A NO.

2 Q HAD YOU EVER EVEN HEARD ABOUT THEM?

3 A NO.

4 Q OTHER THAN THE PERSON -- THE UNCLE THAT YOU
5 TESTIFIED LIVED WITH HIM, DID YOU EVER MEET ANY OF HIS
6 OTHER FAMILY OR FRIENDS IN THE MONTH THAT YOU KNEW HIM?

7 A YES.

8 Q TELL US ABOUT THAT.

9 A I MET HIS COUSIN HAROLD THE FIRST WEEK. HE
10 WANTED TO GO MAKE SOME MUSIC, ERIC, 'CAUSE HIS COUSIN HAD
11 LIKE A STUDIO AND STUFF THAT KNOW HOW TO MAKE THE VOICES
12 CHANGE AND -- STUDIO EQUIPMENT. THAT'S THE FIRST TIME I
13 MET HIS COUSIN HAROLD.

14 Q OKAY. AND SO HAROLD WAS SOME KIND OF MUSIC
15 PRODUCER?

16 A HE JUST HAD LIKE EXPENSIVE STUFF. LIKE HE
17 HAD -- HE DIDN'T HAVE AN OPTICAL COMPUTER, BUT HE HAD LIKE
18 THE -- I DON'T KNOW WHAT YOU CALL IT, BUT IT'S LIKE THE
19 FRUIT LOOPS OR SOMETHING LIKE THAT THAT -- KIND OF LIKE
20 THE STUDIO TYPE STUFF. HE HAD THAT.

21 Q SO MUSIC RECORDING EQUIPMENT?

22 A RIGHT.

23 Q DID HE HAVE IT AT HIS HOUSE OR DID HE HAVE
24 A SEPARATE STAND-ALONE STUDIO?

25 A HE HAD IT IN HIS APARTMENT.

26 Q IS IT YOUR TESTIMONY THAT YOU HAD GONE TO
27 HAROLD'S HOUSE WITH ERIC TO LISTEN TO AND TO RECORD MUSIC?

28 A YES.

1 Q APPROXIMATELY HOW MANY TIMES DID YOU DO
2 THAT?

3 A ONE TIME.

4 Q AND IN TERMS OF IF YOU GOT IN A CAR AND
5 DROVE FROM ERIC'S HOUSE TO HAROLD'S HOUSE, HOW LONG WOULD
6 IT TAKE?

7 A FIFTEEN MINUTES.

8 Q DID ERIC EVER TELL YOU HE WAS AN ASPIRING
9 RAPPER, THAT HE WAS TRYING TO GET MUSIC PUBLISHED?

10 A HE DIDN'T SAY THAT HE WAS TRYING TO GET IT
11 PUBLISHED, BUT, YOU KNOW, HE WAS LIKE WORKING TOWARDS IT,
12 LIKE TRYING TO MAKE SOME MUSIC SOMEWHERE, LIKE GOING TO
13 HIS COUSIN HOUSE. HE DIDN'T TELL ME LIKE HE WAS TRYING TO
14 GET IT OUT THERE.

15 Q OKAY. DID HE EVER PLAY ANY OF HIS MUSIC
16 FOR YOU?

17 A YES.

18 Q WHAT TYPE OF MUSIC WAS IT?

19 A IT WAS LIKE TAKING GIRLS TO THE HOTEL,
20 SOMETHING TALKING ABOUT LIKE, UM, DRINKING ON LEAN, STUFF
21 LIKE THAT, BOUNCING AROUND LIKE GIRLS WITH A BIG BUTT,
22 STUFF LIKE THAT.

23 Q OKAY. WAS IT LIKE THUG MUSIC?

24 A YEAH.

25 MS. AENLLE-ROCHA: IS THAT A "YES"?

26 THE WITNESS: YES.

27 BY MR. MC KINNEY:

28 Q KIND OF LIKE GANGSTER RAP MUSIC?

1 A YEAH.

2 Q RAPPING ABOUT VIOLENCE?

3 A YEAH. HE'LL SAY SOMETHING ABOUT THE GUNS,
4 TOO. HE'LL TALK ABOUT GUNS.

5 Q TALK ABOUT KILLING PEOPLE?

6 A HE WOULDN'T SAY "KILL." HE'LL JUST BE
7 LIKE -- I'M JUST TRYING TO THINK OF SOME OF THE STUFF.
8 LIKE HE'LL SAY, "LEAVE A PERSON LAYING DOWN," STUFF LIKE
9 THAT.

10 Q HOW MANY SONGS -- HOW MANY DIFFERENT SONGS
11 OF HIS DID HE PLAY FOR YOU?

12 A SIX.

13 Q DID HE TELL YOU THAT HE WAS TRYING TO DO
14 SOMETHING WITH THAT MUSIC AS OPPOSED TO JUST MAKE IT AND
15 SHARE IT WITH HIS FRIENDS, THAT HE WAS TRYING TO GET IT
16 OUT THERE?

17 A NO.

18 Q DID HE EVER MENTION TO YOU THAT HE KNEW ANY
19 ACCOMPLISHED RAPPERS, PEOPLE WHO HAD MADE IT?

20 A NO.

21 Q DID YOU EVER SEE HIM WITH ANY HANDGUNS?

22 A YES.

23 Q TELL US ABOUT THAT.

24 A THE FIRST TIME IS WHEN I WENT WITH HIM TO
25 HIS COUSIN HOUSE AT THE -- TO DO THE MUSIC. I SEEN ONE.
26 HIS COUSIN GAVE HIM ONE BEFORE WE LEFT OUT THE DRAWER.

27 Q OKAY. HOW LONG DID YOU KNOW HIM BEFORE
28 THAT HAPPENED?

1 A A WEEK.

2 Q WHAT DID THE GUN LOOK LIKE?

3 A IT WAS LIKE CHROME COLORED. I DON'T KNOW
4 WHAT KIND IT WAS, BUT IT WAS LIKE A CHROME, ABOUT THIS
5 BIG, COLOR OF A GUN.

6 Q OKAY. I'M GONNA SHOW YOU AN EXHIBIT.

7 MS. AENLLE-ROCHA: WAIT. WAIT. WAIT.

8 BY MR. MC KINNEY:

9 Q DO THAT AGAIN.

10 A LIKE THIS.

11 Q ABOUT --

12 A IT WAS KIND OF BIG.

13 Q OKAY. THAT LOOKS LIKE ABOUT TEN INCHES?
14 YOU'RE HOLDING UP TWO INDEX FINGERS APART.
15 LOOKS LIKE IT'S A FOOT MAYBE? TEN INCHES TO A FOOT?

16 MS. AENLLE-ROCHA: I HAVE A RULER.

17 ABOUT TEN AND A HALF INCHES.

18 BY MR. MC KINNEY:

19 Q ALL RIGHT. LET ME SHOW YOU -- YOU TOOK MY
20 CONTROL AWAY FROM ME WHEN YOU HIT THAT BUTTON.

21 OKAY. I GOT IT BACK.

22 GRAND JURY EXHIBIT NUMBER 17 IS A DIAGRAM
23 THAT SHOWS TWO HANDGUNS. DO YOU SEE THAT?

24 A YES.

25 Q OKAY. THESE ARE TWO DIFFERENT TYPES OF
26 GUNS. DO YOU AGREE?

27 A I AGREE.

28 Q OKAY. ARE YOU FAMILIAR WITH THE TWO

1 DIFFERENT STYLE OF GUNS THAT WE SEE ON THIS EXHIBIT?

2 A THOSE THE ONES THAT HE HAD.

3 Q OKAY. BUT --

4 A BUT ME PERSONALLY, I DON'T -- I DON'T KNOW
5 NOTHING ABOUT IT.

6 Q OKAY. THESE TWO HANDGUNS HAVE A BIG
7 DIFFERENCE BETWEEN THEM; IS THAT CORRECT?

8 A YES.

9 Q WHAT WOULD YOU SAY THE BIG DIFFERENCE IS?

10 A ONE'S SMALL AND ONE MEDIUM SIZE.

11 Q OKAY. AND THEY'RE ALSO DIFFERENT COLORS,
12 RIGHT?

13 A RIGHT.

14 Q BUT WHAT ABOUT THE ONE ON THE BOTTOM? DO
15 YOU SEE THAT CYLINDER IN THE MIDDLE OF THE GUN?

16 A THIS ONE? THIS ONE?

17 Q YEAH. DO YOU SEE THAT -- THAT
18 BARREL-SHAPED CYLINDER IN THE MIDDLE OF THE GUN?

19 A YES.

20 Q THE GUN ON THE TOP, THE BLACK ONE, DOESN'T
21 HAVE THAT, CORRECT?

22 A CORRECT.

23 Q HAVE YOU SEEN THESE TWO DIFFERENT TYPES OF
24 GUNS BEFORE?

25 A YES.

26 Q WHAT WOULD YOU CALL THE GUN ON THE BOTTOM,
27 THE ONE THAT HAS THE CYLINDER?

28 A A PISTOL.

1 Q OKAY. AND WHAT WOULD YOU CALL THE GUN AT
2 THE TOP, THE ONE THAT DOESN'T HAVE THE CYLINDER?

3 A NINE.

4 Q A NINE?

5 A YES.

6 Q IS THAT SHORT FOR NINE MILLIMETER?

7 A YES.

8 Q OKAY. SO WE'LL USE YOUR TERMS TO
9 DISTINGUISH BETWEEN THESE TWO GUNS.

10 WHEN YOU SAW HAROLD GIVE HIM A GUN FOR THE
11 FIRST TIME, WHAT TYPE OF GUN WAS IT?

12 WAS IT A PISTOL OR WAS IT A NINE OR
13 SOMETHING ELSE?

14 A IT WAS SOMETHING ELSE.

15 Q DIFFERENT FROM THESE TWO?

16 A YES.

17 Q HOW WAS IT DIFFERENT?

18 A IT WAS LIKE THE -- THE NINE MILLIMETER. IT
19 WAS KIND OF LIKE BIGGER THAN THIS, LIKE THE FRONT PART,
20 AND IT WAS LIKE CHROME. IT WAS A LITTLE BIGGER THAN THIS
21 ONE.

22 Q OKAY. BUT OTHER THAN THE SIZE -- AND
23 YOU'RE POINTING TO THE BLACK GUN AT THE TOP --

24 A YES.

25 Q -- IN TERMS OF THE STYLE, MEANING IF IT HAD
26 A CYLINDER IN THE MIDDLE OR NOT, WAS IT A SQUARE KIND OF
27 GUN LIKE THE ONE IN BLACK?

28 A YES.

1 Q BUT YOUR TESTIMONY IS IT WAS BIGGER AND IT
2 WAS SILVER?

3 A YES.

4 Q HOW MANY TIMES DID YOU SEE HIM WITH THAT
5 GUN?

6 A JUST ONE TIME.

7 Q DO YOU KNOW ANYTHING ELSE ABOUT THAT GUN;
8 FOR EXAMPLE, WHAT THE CALIBER OF THAT GUN WAS?

9 A NO.

10 Q DO YOU OWN ANY GUNS?

11 A NO.

12 Q HAVE YOU EVER FIRED A GUN?

13 A NO.

14 Q YOU SAW HIM WITH THAT GUN ONE TIME WHEN
15 HAROLD GAVE IT TO HIM ABOUT A WEEK AFTER KNOWING HIM,
16 CORRECT?

17 A CORRECT.

18 Q DID YOU ASK HIM ANY QUESTIONS ABOUT THAT
19 GUN?

20 A YES.

21 Q WHAT DID YOU ASK HIM?

22 A I ASKED HIM WHAT DID HE NEED IT FOR AND HE
23 SAID FOR SAFETY.

24 Q OKAY. DID THAT CAUSE YOU ANY CONCERNS,
25 THAT SOMEBODY THAT YOU JUST MET A WEEK AGO IS CARRYING A
26 BIG SILVER GUN AND SAYS HE NEEDS IT FOR SAFETY?

27 A NO, 'CAUSE IT WAS LIKE A LOT OF GUYS
28 STANDING OUT WHEN WE LEFT FROM HAROLD HOUSE.

1 Q OKAY. SO BECAUSE YOU LEFT HAROLD'S HOUSE
2 AND YOU SAW A LOT OF GUYS YOU THOUGHT MAYBE HE REALLY DOES
3 NEED IT FOR PROTECTION?

4 A YES.

5 Q AFTER HAROLD GAVE HIM THE GUN, WHAT DID HE
6 DO WITH IT?

7 A I DON'T KNOW. LIKE THAT DAY LIKE I WENT
8 BACK HOME AND THEN I NEVER SEEN THAT GUN NO MORE. THAT'S
9 WHEN I STARTED SEEING THE OTHER GUNS.

10 Q OKAY. WELL, LET'S TALK ABOUT THAT.
11 OTHER THAN THAT FIRST TIME SEEING HIM GET A
12 GUN FROM HAROLD, DID YOU SEE HIM WITH A GUN ON ANY OTHER
13 OCCASIONS?

14 A YES.

15 Q TELL US ABOUT THAT.

16 A I SAW HIM WITH A GUN MAYBE -- I GUESS IT'S
17 GOING ON LIKE THE SECOND WEEK. I SAW THIS GUN.

18 Q WHICH ONE?

19 A THE -- THE NINE. THE NINE MILLIMETER.

20 Q AND YOU'RE POINTING TO THE BLACK GUN ON
21 GRAND JURY EXHIBIT 17.

22 WHAT DID THAT GUN LOOK LIKE?

23 A WHAT DO YOU MEAN WHAT DID IT LOOK LIKE?
24 THIS GUN? IT LOOKED LIKE -- WELL, IT WAS LIKE THE NAME ON
25 THIS ONE, LIKE HOW THIS ONE -- LIKE HOW THIS ONE SAY
26 "STAINLESS" RIGHT HERE ON TOP. THE ONE HE HAD SAID "RUG."

27 Q "RUG"?

28 A YES.

1 Q R-U-G?

2 A YES.

3 Q OKAY. SO YOU'RE SAYING THAT -- YOU POINTED
4 TO THE BLACK GUN IN GRAND JURY EXHIBIT 17. AT THE TOP
5 SLIDE AREA OF THE GUN IS ENGRAVED THE WORD "STAINLESS,"
6 CORRECT?

7 A CORRECT.

8 Q YOU'RE SAYING ON THE GUN YOU SAW ERIC WITH
9 IT WAS VERY SIMILAR TO THE GUN SHOWN ON THIS DIAGRAM, BUT
10 IT HAD THE WORD "RUG"; IS THAT CORRECT?

11 A YES.

12 Q COULD IT HAVE BEEN "RUGER"?

13 A MAYBE BECAUSE I DIDN'T REALLY LOOK AT IT
14 LIKE HOW I'M LOOKING AT THIS ONE, BUT I KNOW IT STARTED
15 WITH AN R AND I KNOW IT WAS LIKE R-U-G. I THINK IT WAS
16 "RUG," BUT I DIDN'T KNOW IF IT HAD ANY LETTERS AFTER THAT.

17 Q OKAY. HOW MANY TIMES DID YOU SEE HIM WITH
18 THAT GUN?

19 A MAYBE LIKE THREE TIMES OR SO DURING THAT
20 WEEK.

21 Q OKAY. AND THEN AFTER THAT WEEK DID YOU
22 CONTINUE TO SEE HIM WITH THAT GUN?

23 A NO. WELL, YEAH, BUT HE WASN'T CARRYING IT
24 LIKE THAT. JUST ONLY SOMETIMES. LIKE -- FOR INSTANCE,
25 LIKE WHEN WE WENT TO L.A. ONE TIME, HE WANTED TO GET A
26 HAT. I SEEN IT THAT TIME.

27 Q ALL RIGHT. SO LET'S CLARIFY THIS.

28 SOMETIME DURING THE SECOND WEEK THAT YOU

1 KNEW HIM --

2 A YES.

3 Q -- YOU SAW HIM WITH WHAT YOU DESCRIBED AS A
4 BLACK NINE MILLIMETER HANDGUN THAT HAD AT LEAST R-U-G
5 ENGRAVED AT THE TOP, CORRECT?

6 A CORRECT.

7 Q SOMETIMES YOU WOULD SEE HIM CARRYING IT ON
8 HIS PERSON AND THEN OTHER TIMES YOU WOULD JUST SEE IT
9 WHERE? AT HIS HOUSE?

10 A NO. I WOULDN'T SEE IT LIKE AT ALL. LIKE
11 SOMETIMES I WOULD SEE IT LIKE -- FOR INSTANCE, LIKE WE'D
12 GO OUT LIKE -- LIKE I SAID, LIKE I MENTIONED ABOUT THE
13 HAT, OR ON RIDING, SOMETIMES WE JUST GO RIDING, I'LL SEE
14 IT, BUT HE WOULDN'T BRING IT ALL THE TIME. IF HE DID
15 BROUGHT IT, I DIDN'T SEE IT. SOMETIMES I'LL LOOK AT HIM
16 JUST TO SEE DID HE HAVE IT OR WHATEVER.

17 Q WHEN HE CARRIED THAT BLACK HANDGUN, WHERE
18 ON HIS BODY DID HE CARRY IT?

19 A IN HIS FRONT.

20 Q FRONT WHAT?

21 A LIKE -- LIKE FRONT OF HIS JEANS, LIKE
22 PANTS.

23 Q IN THE WAISTBAND AREA OF HIS JEANS?

24 A YES.

25 Q COULD YOU SEE -- WHEN HE HAD IT, OBVIOUSLY
26 IN ORDER TO KNOW HE HAD IT YOU HAD TO SEE SOME PART OF IT,
27 CORRECT?

28 A CORRECT.

1 Q WHAT PART OF THE GUN WOULD YOU SEE WHENEVER
2 YOU SAW IT IN HIS WAISTBAND?

3 A I WOULD SEE THIS PART.

4 Q THE HANDLE PART?

5 A YES.

6 Q DID YOU ASK HIM ANY QUESTIONS ABOUT WHY HE
7 CARRIED THE GUN AS MUCH AS HE DID?

8 A NO.

9 Q WHY NOT?

10 A JUST BECAUSE WHEN I ASKED HIM BEFORE ABOUT
11 THE OTHER GUN HE SAID FOR SAFETY. I JUST TOOK IT AS THAT,
12 LIKE HE WAS JUST CARRYING IT FOR SAFETY.

13 Q HAD YOU EVER SEEN ANYBODY TRY TO ATTACK
14 HIM?

15 A NO.

16 Q HAVE YOU EVER SEEN ANY SITUATION WHERE YOU
17 THOUGHT HE NEEDED A GUN TO PROTECT HIMSELF?

18 A JUST LIKE THE AREA WE LIVE IN, LIKE, YOU
19 KNOW, MAYBE.

20 Q OKAY. BECAUSE IT'S A BAD AREA YOU JUST
21 ASSUMED IT WAS OKAY THAT HE CARRY A GUN?

22 A YES.

23 Q AND SO IT DIDN'T CONCERN YOU THAT HE WAS
24 CARRYING THE GUN?

25 A NO.

26 Q WERE THOSE THE ONLY TWO GUNS YOU EVER SAW
27 HIM WITH?

28 A YES, AND BESIDES THE OTHER ONE I TOLD YOU

1 ABOUT.

2 Q SO THERE'S THE BIG SILVER ONE THAT SORT OF
3 LOOKS LIKE THE BLACK NINE IN THIS EXHIBIT BUT BIGGER AND A
4 DIFFERENT COLOR, CORRECT?

5 A CORRECT.

6 Q YOU SAW HIM WITH ONE TIME?

7 A RIGHT.

8 Q AND YOU SAW HIM WITH THIS -- WITH A BLACK
9 WHAT YOU CALL NINE MILLIMETER VERY SIMILAR TO THE GUN IN
10 THIS DIAGRAM, A BLACK ONE, AND YOU SAW HIM WITH THAT
11 SEVERAL TIMES, CORRECT?

12 A CORRECT.

13 Q DID YOU SEE HIM WITH ANY OTHER GUNS?

14 A NO. HE -- HE DID HAVE THE PISTOL, BUT I
15 NEVER SAW HIM WITH IT OUT UNTIL MARCH 31ST.

16 Q WHERE DID YOU SEE IT BEFORE MARCH 31ST?

17 A I DON'T KNOW LIKE THE EXACT DATE, BUT ONE
18 DAY I CAME OVER HIS HOUSE AND IT WAS ON THE COUCH.

19 Q AND TELL US WHAT YOU SAW ON THE COUCH.

20 A I SAW THE PISTOL. THE HANDLE PART RIGHT
21 HERE WAS WRAPPED IN DUCT TAPE, THE GRAY DUCT TAPE.

22 Q AND YOU'RE POINTING TO THE BLACK HANDLE OF
23 THE SMALLER GUN IN THE DIAGRAM?

24 A YES.

25 Q OKAY. WHAT DID THE TOP PART OF THE GUN
26 LOOK LIKE?

27 A IT LOOKED LIKE -- IT LOOKED LIKE THIS, BUT
28 IT LOOKED LIKE IT WAS OLD.

1 Q OKAY. AND WHEN YOU SAY, "IT LOOKED LIKE
2 THIS," ARE YOU TALKING ABOUT THE FINISH ON THE GUN, LIKE A
3 CHROME OR GRAY FINISH?

4 A YEAH. I'M TALKING ABOUT THE CHROME, LIKE
5 THE PAINT ON IT.

6 Q HOW WOULD YOU DESCRIBE IT? WHAT COLOR?

7 A LIKE A DARK GRAY.

8 Q DID YOU ASK HIM ANY QUESTIONS ABOUT THAT
9 GUN?

10 A YES. I WAS LIKE, "WHAT IS THIS DOING
11 HERE?" HE HURRIED UP AND LIKE TOOK IT IN A BACK ROOM AT
12 HIS HOUSE.

13 Q DID HE WORK AT ALL DURING THE TIME THAT YOU
14 KNEW HIM?

15 A NO. I ASKED HIM DID HE HAVE A JOB. HE
16 SAID YES, HE WORKED AT KING'S RESTAURANT AND HE'S NOT
17 WORKING RIGHT NOW BECAUSE HE WAS IN A CAR ACCIDENT, BUT HE
18 STILL WAS GETTING MONEY, GETTING PAID.

19 Q SO LET ME ASK YOU A QUESTION. AND IT'S NOT
20 A JUDGMENTAL QUESTION, BUT I WANT YOUR HONEST RESPONSE.
21 YOU MET A GUY --

22 A YES.

23 Q -- WHO DID NOT HAVE A JOB. I ASSUME HE WAS
24 NOT IN SCHOOL; IS THAT CORRECT?

25 A CORRECT.

26 Q HE HAD A LOT OF TATTOOS, CORRECT?

27 A CORRECT.

28 Q HE -- YOU SAW HIM IN POSSESSION OF AT LEAST

1 THREE DIFFERENT GUNS, ONE THAT HE CARRIED OCCASIONALLY,
2 CORRECT?

3 A CORRECT.

4 Q HE TOLD YOU HE NEEDED GUNS FOR SAFETY,
5 CORRECT?

6 A CORRECT.

7 Q HE WASN'T PARTICULARLY AFFECTIONATE TOWARDS
8 YOU, DIDN'T INTRODUCE YOU TO PEOPLE OR EVER KISS YOU; IS
9 THAT CORRECT?

10 A CORRECT.

11 Q DID YOU AT ANY TIME WHEN YOU WERE WITH HIM
12 HAVE CONCERNS FOR YOUR SAFETY?

13 A NO.

14 Q WHY WERE YOU WITH HIM?

15 A I WAS JUST WITH HIM LIKE -- YOU KNOW, LIKE
16 IF WE GO OUT OR SOMETHING, I'LL HANG OUT WITH HIM, BUT I
17 WASN'T LIKE LOOKING FOR HIM LIKE AS A BOYFRIEND TYPE. I
18 WAS THINKING LIKE MAYBE, IT COULD HAVE BEEN SINCE HE
19 WANTED TO MEET MY MOM. I JUST THOUGHT LIKE WE WERE JUST
20 KIND OF PLAYING IT BY EAR, YOU KNOW, GETTING TO KNOW EACH
21 OTHER.

22 Q DID YOU REALLY LIKE HIM?

23 A I DID LIKE HIM, BUT NOT LIKE LIKE HIM LIKE
24 HIM, LIKE -- LIKE THAT. I JUST THOUGHT HE WAS LIKE, YOU
25 KNOW, COOL. HE WAS COOL TO GO OUT AND EAT WITH AND STUFF.

26 Q DID YOU EVER INTRODUCE HIM TO ANY OF YOUR
27 FRIENDS?

28 A NO. MY LANDLORD KNOWED HIM AND I ASKED MY

1 LANDLORD ABOUT HIM, THOUGH. I DID QUESTION SOME STUFF
2 WITH HER. I JUST ASKED HER LIKE DID SHE KNOW HIM, AND SHE
3 WAS LIKE HE --

4 MS. AENLLE-ROCHA: WELL, DON'T TELL US --

5 THE WITNESS: OKAY.

6 MS. AENLLE-ROCHA: -- WHAT YOUR LANDLORD SAID.

7 THE WITNESS: OH.

8 MS. AENLLE-ROCHA: THAT'S OKAY.

9 BY MR. MC KINNEY:

10 Q SO FOR THE MONTH THAT YOU KNEW HIM LEADING
11 UP TO MARCH 31ST YOU TOLD US THIS MORNING AND THIS
12 AFTERNOON SOME OF THE THINGS THAT YOU KNEW ABOUT HIM,
13 CORRECT?

14 A CORRECT.

15 Q WAS HE EVER VIOLENT TOWARD YOU IN THE TIME
16 THAT YOU KNEW HIM?

17 A NO.

18 Q HAD HE EVER THREATENED YOU?

19 A NO, JUST THE DAY OF THE SHOOTING.

20 Q OKAY. WE'LL GET TO THAT.

21 A OKAY.

22 Q BUT UP UNTIL THAT DAY HAD HE EVER
23 THREATENED YOU?

24 A NO.

25 Q HAD YOU SEEN HIM EVER BEING VIOLENT TOWARD
26 OR THREATEN SOMEONE ELSE?

27 A NO.

28 Q DID YOU EVER SEE HIM GET INTO ANY FIGHTS?

1 A NO.

2 Q DID HE EVER EXPRESS ANY KIND OF VIOLENT
3 TEMPER WITH YOU THAT -- SO MUCH THAT IT SCARED YOU A
4 LITTLE BIT?

5 A NO.

6 Q ALL RIGHT. SO LET'S TALK ABOUT MARCH 31ST.
7 DID YOU START OFF THAT DAY WORKING?

8 A YES.

9 Q HOW DID YOU GET TOGETHER WITH ERIC ON THAT
10 DAY?

11 A I CALLED HIM AFTER I FINISHED WORKING AND
12 HE WANTED TO GET SOMETHING TO EAT FROM IN-N-OUT.

13 Q OKAY. IS THERE AN IN-N-OUT IN THE TOWN
14 WHERE BOTH OF YOU WERE LIVING?

15 A YES.

16 Q OKAY. DID YOU GO TO THAT IN-N-OUT?

17 A NO.

18 Q WHY NOT?

19 A HE DIDN'T WANT TO GO TO THE IN-N-OUT. HE
20 WANTED TO GO SOMEWHERE ELSE. HE WANTED TO RIDE TO L.A.

21 Q HOW MANY TIMES HAD YOU BEEN TO L.A. WITH
22 HIM BEFORE THE 31ST?

23 A FOUR.

24 Q ON THOSE FOUR PRIOR OCCASIONS WHERE IN L.A.
25 DID THE TWO OF YOU GO?

26 A WE WENT TO SANTA MONICA, HOLLYWOOD, IN THE
27 AREA WHERE THE SHOOTING WAS AT ONE TIME, AND -- I THINK IT
28 WAS ONLY THREE TIMES, THOUGH.

1 Q OKAY. SO OF THOSE THREE TIMES -- SANTA
2 MONICA SOUNDS LIKE BEACH DAY.

3 A YES.

4 Q IS THAT WHAT IT WAS?

5 A YES.

6 Q LIKE A DAY AT THE BEACH?

7 A YEAH.

8 Q WHAT ABOUT HOLLYWOOD? WHAT DID YOU DO
9 THERE?

10 A JUST KIND OF LIKE WENT THERE. HE GOT A
11 COWBOYS HAT.

12 Q COWBOYS MEANING THE FOOTBALL TEAM?

13 A YES.

14 Q OKAY. AND WHAT ELSE DID YOU DO? DID YOU
15 WALK AROUND, DID YOU GO TO THE MOVIES, EAT?

16 A NO, JUST WENT THERE, GOT THE HAT, AND JUST
17 KIND OF LIKE RIDE UP AND DOWN THE STRIP.

18 Q OKAY. AND NOW YOU SAID YOU HAD GONE TO THE
19 AREA OF CRENSHAW AND SLAUSON WITH HIM ONE TIME BEFORE THE
20 31ST. TELL US ABOUT THAT.

21 A YES. I WENT OVER THERE. HE WANTED TO GET
22 A SHIRT FROM THIS LIQUOR STORE THAT'S NOT TOO FAR FROM THE
23 PLAZA WHERE THE SHOOTING HAPPENED AND THAT WAS IT, JUST
24 KIND OF ROLLED OVER THERE, GOT THAT, AND THEN CAME BACK
25 WHERE WE LIVE AT.

26 Q WHEN WAS THAT?

27 A MAYBE LIKE THE SECOND WEEK OR SO, LIKE THE
28 WEEKEND. LIKE CLOSE TO THE WEEKEND. LIKE ON A FRIDAY.

1 LIKE THE SECOND WEEK IN MARCH. YEAH, LIKE THE SECOND WEEK
2 IN MARCH.

3 Q OKAY. AND TELL US ABOUT THIS SHIRT. WHAT
4 WAS SO SPECIAL ABOUT THE SHIRT HE NEEDED?

5 A THERE WASN'T NOTHIN' SPECIAL ABOUT IT. IT
6 WAS LIKE A REGULAR SHIRT THAT YOU CAN GET LIKE LOCAL, LIKE
7 WHERE WE LIVE AT.

8 Q WHEN YOU WERE WITH HIM IN THAT AREA ON THAT
9 OCCASION, DID YOU MAKE ANY STOPS ANYWHERE OR TALK TO
10 ANYBODY IN THE NEIGHBORHOOD?

11 A NO. HE DID WANT TO STOP AND GET A CRENSHAW
12 SHIRT ALSO THAT DAY, TOO, BUT I WAS LIKE NO, I'M READY TO
13 GO, YOU KNOW, GO BACK ON HIS SIDE. HE WANTED ME TO BUY
14 IT, BUY THE SHIRT, AND I WAS LIKE, "I'M NOT GONNA BUY THE
15 SHIRT."

16 Q OKAY. AND WHAT IS A CRENSHAW SHIRT?

17 A I GUESS IT'S LIKE A LOGO SHIRT WITH THE
18 WORD "CRENSHAW" RUNNING ACROSS IT. I DIDN'T REALLY KNOW
19 TOO MUCH ABOUT IT.

20 Q DID HE TELL YOU WHERE HE WANTED TO GO TO
21 PURCHASE THAT SHIRT?

22 A HE SAID IN THE AREA.

23 Q DID YOU EVER GO TO A PARTICULAR PLACE FOR
24 HIM TO BUY THE SHIRT --

25 A NO.

26 Q -- BEFORE LEAVING?

27 A NO.

28 Q YOU SAID THAT HE WANTED YOU TO PURCHASE THE

1 SHIRT.

2 A CORRECT.

3 Q IN THIS RELATIONSHIP THAT YOU HAD WHO DID
4 ALL OF THE DRIVING ANY TIME YOU WENT SOMEWHERE?

5 A I DID.

6 Q WHO PAID FOR THINGS WHENEVER YOU WENT OUT
7 WITH HIM?

8 A WE KIND OF -- WHAT YOU CALL IT? LIKE DUTCH
9 SOMETIMES. HE'LL PAY FOR SOMETHING AND I'LL PAY FOR
10 SOMETHING.

11 Q WAS IT ABOUT EVEN OR WAS ONE PERSON PAYING
12 MORE THAN THE OTHER?

13 A EVEN.

14 Q SO YOU GOT TOGETHER WITH HIM ON THE 31ST
15 PRESUMABLY TO GO GET SOME FOOD AT IN-N-OUT AND THEN
16 SOMETHING HAPPENED TO CHANGE THE PLANS, CORRECT?

17 A CORRECT.

18 Q HOW DID THE PLANS GET CHANGED?

19 A I TOLD HIM I WASN'T HUNGRY, I HAD ALREADY
20 ATE. SO HE WAS JUST LIKE WELL, WE JUST GO TO L.A. THEN.

21 Q HAD YOU ALREADY EATEN?

22 A YES.

23 Q AND SO YOU WERE GOING TO L.A. WAS THAT FOR
24 YOU OR FOR HIM OR WAS IT MUTUAL?

25 A IT WAS JUST LIKE MUTUAL. LIKE -- IT WAS
26 LIKE A SATURDAY AND I WAS LIKE OKAY, I DON'T MIND RIDING
27 OUT THAT WAY.

28 Q WHAT TIME DID THE TWO OF YOU LEAVE WHERE

1 YOU LIVED TO GO TO L.A.?

2 A AROUND 1:30 MAYBE. LIKE AROUND 1:00
3 SOMETHING, LIKE 1:30.

4 Q AND DID YOU HAVE TO PICK HIM UP FROM
5 SOMEPLACE?

6 A FROM HIS PLACE.

7 Q SO YOU PICKED HIM UP AT ABOUT 1:30 AND
8 STARTED DRIVING TO LOS ANGELES; IS THAT CORRECT?

9 A CORRECT.

10 Q WERE YOU THE DRIVER?

11 A YES.

12 Q WERE YOU ALWAYS THE DRIVER OF YOUR CAR WHEN
13 YOU WERE WITH HIM?

14 A I WOULD LET HIM DRIVE SOMETIME, BUT JUST IN
15 THE AREA, LIKE NOT NOWHERE FAR. WELL, I DID LET HIM DRIVE
16 WHEN WE GOT THE SHIRT. I DID LET HIM DRIVE OVER THERE.

17 Q SO THERE WERE OCCASIONS WHERE YOU LET HIM
18 DRIVE YOUR CAR?

19 A YES.

20 Q WAS THERE EVER AN OCCASION YOU LET HIM
21 DRIVE YOUR CAR WHEN YOU WERE NOT WITH HIM?

22 A YES.

23 Q TELL US -- HOW MANY TIMES DID THAT HAPPEN?

24 A ONE TIME.

25 Q WHEN WAS THAT?

26 A I WAS AT WORK. I LET HIM DROP ME OFF AT
27 WORK. MAYBE THIS WAS LIKE THE THIRD WEEK. I LET HIM, YOU
28 KNOW, TAKE MY CAR. HE SAID HE WANTED TO PICK UP SOME

1 T-SHIRTS WHILE I WAS AT WORK.

2 Q DID HE HAVE A CELL PHONE, BY THE WAY?

3 A YES.

4 Q DID YOU DRIVE STRAIGHT TO L.A. AFTER
5 PICKING HIM UP AT ABOUT 1:30?

6 A YES.

7 Q AND THE PLAN WAS TO GO GET SOMETHING TO
8 EAT?

9 A RIGHT.

10 Q HOW WAS HE DRESSED WHEN YOU PICKED HIM UP?

11 A WITH NO SHIRT ON AND A BANDANA AROUND HIS
12 NECK.

13 Q WAS HE DRESSED THE SAME WAY WE SAW HIM IN
14 THAT GRAND JURY EXHIBIT NUMBER 8?

15 A YES.

16 Q NOW, YOU HAD AN OPPORTUNITY TO SEE HIM
17 FULLY WITH NO SHIRT ON ON THAT DAY, CORRECT?

18 A CORRECT.

19 Q DID YOU SEE THAT BIG OL' "SIXTIES" TATTOO
20 ACROSS HIS STOMACH?

21 A NO.

22 Q DID YOU SEE THAT TATTOO AT THE TOP OF HIS
23 CHEST THAT SAYS HOOD CRIP?

24 A NO.

25 Q WHY NOT?

26 A I DIDN'T REALLY PAY NO ATTENTION TO HIM AND
27 LOOK AT HIM LIKE THAT, LIKE LOOK DIRECTLY AT HIM LIKE WHEN
28 I'M LOOKING AT HIM NOW.

1 Q WELL, THAT WAS THE FIRST TIME YOU HAD EVER
2 SEEN HIM WITH HIS SHIRT OFF, CORRECT?

3 A CORRECT.

4 Q AND YOU WERE PICKING HIM UP TO GO TO L.A.,
5 SO I ASSUME YOU HAD SOME CONVERSATION WITH HIM ABOUT WHERE
6 WAS HIS SHIRT OR WHY HE WASN'T WEARING A SHIRT. DID YOU?

7 A NO, I DIDN'T ASK HIM.

8 Q WHY NOT?

9 A IT WAS -- I JUST THOUGHT MAYBE -- IT WAS
10 HOT THAT DAY, YOU KNOW. HE WAS JUST TRYING TO, YOU KNOW,
11 SHOW HIS CHEST, I GUESS. I DIDN'T ASK HIM WHY HE DIDN'T
12 HAVE A SHIRT ON.

13 Q DID HE HAVE A SHIRT WITH HIM?

14 A YES.

15 Q WHAT DID THAT SHIRT LOOK LIKE?

16 A IT WAS LIKE A BURGUNDY SHIRT.

17 Q WAS IT A T-SHIRT?

18 A YES.

19 Q DID HE HAVE ANYTHING ELSE WITH HIM WHEN YOU
20 PICKED HIM UP THAT YOU COULD SEE?

21 A NO.

22 Q DID YOU SEE ANY OF THE FIREARMS, ANY OF THE
23 GUNS YOU HAD SEEN HIM WITH BEFORE?

24 A NO.

25 Q DID HE HAVE ANY TYPE OF BAG OR ANYTHING
26 THAT HE COULD HAVE HAD SOMETHING INSIDE OF?

27 A NO.

28 Q JUST THE SHIRT?

1 A JUST THE SHIRT.

2 Q WAS THE SHIRT -- WAS THE SHIRT FOLDED
3 NEATLY OR WAS IT JUST KIND OF BALLED UP?

4 A WHEN HE GOT IN THE CAR, HE TOOK THE SHIRT
5 OFF. HE CAME IN THE CAR WITH THE SHIRT ON AND HE TOOK THE
6 SHIRT OFF IN THE CAR.

7 Q WHILE HE WAS SITTING IN THE CAR?

8 A YES, BEFORE WE LEFT.

9 Q ALL RIGHT. SO AFTER YOU GOT TO L.A. WHERE
10 DID YOU GO FIRST?

11 A WE WAS JUST RIDING. WHERE WE WENT FIRST
12 WAS -- ONCE WE GOT OFF THE FREEWAY OFF OF MANCHESTER WE
13 RODE TO WESTERN. I TURNED ON WESTERN. AND THEN HE WAS
14 LIKE, "OH, YOU WANT SOMETHING TO EAT?" AND I WAS LIKE,
15 "NO, I'M NOT GETTING NOTHING TO EAT," YOU KNOW.

16 AND THEN WE WENT AHEAD AND MADE A LEFT ON
17 FLORENCE AND THEN DROVE UP KIND OF LIKE -- THAT'S KIND OF
18 LIKE PAST LIKE WHERE THE CEMETERY -- I THINK THAT'S AT --
19 ON THAT SIDE. IT WAS LIKE GETTING CLOSE TO LIKE WESTWOOD.
20 AND WE WAS DRIVING AND THEN HE SEEN SOME GUYS AND THEN HE
21 WANTED ME TO STOP. HE WAS LIKE, "OH, STOP RIGHT HERE."
22 SO HE GOT OFF THE CAR. HE WAS LIKE "WHAT'S UP?" TO THE
23 GUYS AND HE CAME BACK IN THE CAR. AND I WAS LIKE SO WHERE
24 ARE WE GONNA GO, YOU KNOW, YOU WANT SOMETHING TO EAT FROM,
25 AND HE TOLD ME TO MAKE A RIGHT. AND IT WASN'T TOO FAR
26 FROM WHERE THE PLAZA WAS AT. I DON'T KNOW WHAT STREET IT
27 WAS ON.

28 Q OKAY. LET ME STOP YOU THERE.

1 I WANT TO SHOW YOU GRAND JURY EXHIBIT
2 NUMBER 18. IT SHOWS TWO PHOTOGRAPHS OF A WHITE CAR. DO
3 YOU RECOGNIZE WHAT'S SHOWN ON THIS EXHIBIT?

4 A YES.

5 Q WHAT DOES IT SHOW?

6 A IT SHOWS A CHEVY CRUZE. A WHITE CHEVY
7 CRUZE.

8 Q OKAY. IS THAT YOUR CAR?

9 A YES.

10 Q AND IS THAT THE CAR YOU WERE IN THAT DAY?

11 A YES.

12 Q I WANT TO SHOW YOU GRAND JURY EXHIBIT
13 NUMBER 19. AND WHEN YOU LOOK -- THIS IS AN AERIAL
14 PHOTOGRAPH. IT HAS SOME STREET LABELS ON IT. DO YOU SEE
15 3420 IN THE LOWER LEFT-HAND CORNER OF THE EXHIBIT?

16 A YES.

17 Q OKAY. DO YOU RECOGNIZE THAT AS THE PLAZA,
18 AS YOU CALL IT?

19 A YES.

20 Q OKAY. THAT'S THE PLAZA WHERE THE MASTER
21 BURGER IS, CORRECT?

22 A CORRECT.

23 Q NOW, YOU TESTIFIED THAT BEFORE YOU EVER GOT
24 TO THAT PLAZA YOU STOPPED IN SOME NEIGHBORHOOD WHERE HE
25 SPOKE TO SOME GUYS; IS THAT CORRECT?

26 A THAT'S CORRECT.

27 Q LOOKING AT THIS EXHIBIT, DOES THIS EXHIBIT
28 SHOW THE STREET THAT YOU WERE ON WHEN YOU STOPPED?

1 MS. AENLLE-ROCHA: STOPPED FOR WHAT?

2 MR. MC KINNEY: TO TALK TO -- FOR HIM TO TALK TO
3 SOME GUYS.

4 MS. AENLLE-ROCHA: OKAY.

5 THE WITNESS: NO. IT WAS -- LIKE IT WAS KIND OF A
6 LITTLE BIT -- A LITTLE BIT UP.

7 BY MR. MC KINNEY:

8 Q OKAY. YOU --

9 A LIKE MAYBE ON THIS SIDE MAYBE WHERE
10 WESTWOOD IS AT. MAYBE. NO, BUT IT SEEMED LIKE IT WASN'T
11 THAT FAR, THOUGH, WHERE WE STOPPED AT 'CAUSE IT'S NOT THIS
12 STREET RIGHT HERE 'CAUSE IT'S TOO CLOSE. WE WAS LIKE SOME
13 STREETS OVER.

14 Q OKAY. DO YOU RECALL TALKING TO ME ABOUT
15 THIS SUBJECT BEFORE TODAY?

16 A YES.

17 Q DID YOU TELL ME THAT THE STREET YOU WERE ON
18 WAS WEST SOMETHING?

19 A YES.

20 Q OKAY. THIS EXHIBIT SHOWS THE EAST/WEST
21 BOUNDARIES OF CRENSHAW BOULEVARD AND WEST BOULEVARD.
22 OKAY?

23 A OKAY.

24 Q IF THE STREET ISN'T SHOWN ON THIS EXHIBIT,
25 CAN YOU TELL US WHAT DIRECTION WE WOULD HAVE TO GO IN TO
26 BE IN THE AREA OF WHERE THAT STREET WAS?

27 SO WAS IT TO THE LEFT OF THE PHOTOGRAPH OR
28 TO THE RIGHT?

1 A IT WAS TO THE RIGHT. SO MAYBE ON THIS SIDE
2 WHERE WE STOPPED AT.

3 Q OKAY. AND YOU'RE POINTING TO THE AREA
4 AROUND WEST 59TH STREET MAYBE EAST OF WEST BOULEVARD,
5 CORRECT?

6 A CORRECT.

7 Q OKAY. YOU'RE NOT SURE EXACTLY WHERE YOU
8 STOPPED; IS THAT RIGHT?

9 A I JUST KNOW IT WAS CLOSE IN THE AREA.

10 Q CLOSE TO THE -- WHAT YOU CALL THE PLAZA?

11 A RIGHT.

12 Q HOW LONG -- ONCE YOU LEFT THE AREA WHERE HE
13 TALKED TO SOME FRIENDS OR TALKED TO SOME GUYS, HOW LONG
14 DID IT TAKE YOU TO DRIVE TO THE PLAZA?

15 HOW MANY MINUTES WOULD YOU SAY?

16 A FOUR TO FIVE MINUTES.

17 Q OKAY. AND DID YOU DRIVE DIRECTLY THERE
18 FROM THE PLACE WHERE YOU HAD STOPPED?

19 A YES.

20 Q WHEN HE GOT OUT OF THE CAR -- SO EXPLAIN TO
21 US. YOU'RE DRIVING ALONG. DID HE TELL YOU, "HEY, I WANT
22 YOU TO GO OVER HERE TO THIS STREET"? OR HOW DID YOU GET
23 TO THE STREET WHERE THE GUYS WERE?

24 A HE WAS LIKE -- WHEN WE LEFT FROM -- OH, HOW
25 WE GOT TO THE GUYS?

26 OH, I WAS JUST RIDING, JUST DRIVING DOWN
27 THE STREET. LIKE AS SOON AS WE GOT OFF THE FREEWAY, I WAS
28 JUST DRIVING, SO JUST KIND OF JUST RIDING AROUND. 'CAUSE

1 HE KNEW THAT AREA 'CAUSE HE TOLD ME TO GO THAT WAY.

2 Q ALL RIGHT. SO ONCE YOU GOT OFF THE FREEWAY
3 WHAT DID HE SAY?

4 WHOSE IDEA WAS IT TO GO TO THIS AREA?

5 A HIS IDEA.

6 Q DID HE HAVE TO TELL YOU HOW TO GET THERE OR
7 DID YOU ALREADY KNOW HOW TO GET THERE?

8 A HE HAD TO TELL ME.

9 Q OKAY. DID HE SAY ANYTHING TO YOU ABOUT
10 WANTING TO STOP AND SEE PEOPLE BEFORE GOING TO GET
11 SOMETHING TO EAT OR DO YOU THINK IT WAS JUST YOU HAPPENED
12 TO SEE SOME PEOPLE THAT HE KNEW AND IT SEEMED LIKE HE WAS
13 LIKE, "OH, HEY, STOP RIGHT HERE"?

14 A IT WAS JUST LIKE HE JUST SO HAPPENED TO SEE
15 SOME PEOPLE AND HE WAS JUST LIKE, "LET'S STOP HERE."

16 Q SO IT SEEMED UNPLANNED TO YOU?

17 A RIGHT.

18 Q SO YOU STOPPED YOUR CAR; IS THAT CORRECT?

19 A CORRECT.

20 Q AND HE GOT OUT?

21 A YES.

22 Q WAS YOUR CAR STILL RUNNING?

23 A YES.

24 Q DID HE LEAVE THE DOOR -- PASSENGER DOOR
25 OPEN OR CLOSE IT?

26 A HE LEFT IT OPEN.

27 Q OKAY. SO IT FELT TO YOU LIKE HE WAS JUST
28 GETTING OUT FOR A SHORT TIME?

1 A RIGHT.

2 Q TELL US EXACTLY WHAT YOU SAW WHEN HE GOT
3 OUT.

4 A HE GOT OUT AND SAID "WHAT'S UP?" TO THE
5 GUY, LIKE -- I DON'T KNOW IF HE LIKE GRABBED HIS HAND OR
6 SOMETHING. LOOKED LIKE HE GRABBED HIS HAND, LIKE TO ONE
7 OF THE GUYS. HE SPOKE TO ONE OF THE GUYS AND JUST SAID,
8 "WHAT'S UP?" AND CAME BACK IN THE -- IN THE CAR.

9 Q HOW LONG DID THAT TAKE?

10 A LIKE A MINUTE. IT WASN'T EVEN THAT LONG.

11 Q DID YOU SEE ANYTHING UNUSUAL?

12 DID IT SEEM UNUSUAL AT ALL TO YOU OR DID IT
13 LOOK LIKE TWO PEOPLE WHO KNEW EACH OTHER JUST SAYING,
14 "WHAT'S UP"?

15 A IT JUST LOOKED LIKE THEY KNEW EACH OTHER
16 SAYING, "WHAT'S UP?" BUT THEN IT'S LIKE -- I DON'T KNOW,
17 LIKE IT DIDN'T LOOK LIKE THEY WAS FRIENDS, BUT IT JUST
18 SEEMED LIKE MAYBE THEY KNEW EACH OTHER FROM LIVING OVER
19 THERE, THAT KIND OF IMPRESSION. LIKE HE JUST KNEW THEM BY
20 LIVING OVER THERE OR SOMETHING.

21 Q DID THEY HAVE ANY TATTOOS THAT YOU SAW?

22 A I DIDN'T EVEN PAY ATTENTION TO THEM LIKE
23 THAT.

24 Q OKAY. WERE THEY ALL ABOUT THE SAME AGE AS
25 HE WAS?

26 A YEAH. THEY WAS YOUNGER.

27 Q AND DID YOU GO DIRECTLY -- ONCE HE GOT BACK
28 IN THE CAR, DID YOU GO DIRECTLY OVER TO 3420 SLAUSON?

1 A YES.

2 Q DID HE TELL YOU HOW TO GET THERE?

3 A YES.

4 MS. AENLLE-ROCHA: WE'RE GOING TO TAKE OUR
5 AFTERNOON BREAK.

6 BEFORE WE DO, I JUST HAD ONE QUESTION FOR
7 YOU. YOU HAD SAID THAT YOU WENT TO WESTWOOD. DO YOU KNOW
8 WHERE WESTWOOD IS IN LOS ANGELES?

9 THE WITNESS: NOT LIKE NECESSARILY LIKE ON MY OWN.

10 MS. AENLLE-ROCHA: IT'S -- DO YOU KNOW THE AREA
11 AROUND UCLA?

12 THE WITNESS: THE HOSPITAL? OR THE --

13 MS. AENLLE-ROCHA: THE HOSPITAL IS THERE, TOO.
14 WELL, THE HOSPITAL ON CAMPUS. IS THAT THE AREA YOU WERE
15 DRIVING OR IS IT NEAR WEST BOULEVARD?

16 THE WITNESS: WEST BOULEVARD.

17 MS. AENLLE-ROCHA: OKAY. I JUST WANTED TO CLARIFY
18 THAT.

19 OKAY. WE'RE GONNA TAKE OUR AFTERNOON
20 BREAK. IT WILL BE 15 MINUTES. AND THE FOREPERSON IS JUST
21 GOING TO REMIND YOU OF THE ADMONITION THAT YOU CAN'T TALK
22 TO ANYONE EXCEPT FOR YOUR LAWYER.

23 THE WITNESS: ALL RIGHT.

24 MS. AENLLE-ROCHA: OKAY. SO HOLD ON ONE SECOND.

25 THE FOREPERSON: YOU WILL RECALL THAT YOU HAVE
26 PREVIOUSLY BEEN ADMONISHED REGARDING THE SECRECY OF THESE
27 PROCEEDINGS AND MUST HEED THAT ADMONISHMENT.

28 THE WITNESS: YES.

1 MS. AENLLE-ROCHA: THANK YOU SO MUCH.

2 SO WE'LL SEE YOU IN 15 MINUTES. OKAY?

3 THE WITNESS: OKAY.

4 MS. AENLLE-ROCHA: ALL RIGHT.

5

6 (THE WITNESS EXITED THE GRAND JURY
7 HEARING ROOM.)

8

9 MS. AENLLE-ROCHA: MADAM FOREPERSON, WOULD YOU
10 RECESS THIS HEARING, PLEASE, AND ORDER THE GRAND JURORS TO
11 RETURN AT 2:20.

12 THE FOREPERSON: SO ORDERED.

13 MS. AENLLE-ROCHA: GRAND JURORS ARE ADMONISHED AND
14 ADVISED NOT TO DISCUSS THIS MATTER OR FORM ANY OPINION
15 UNTIL SUCH TIME AS IT IS GIVEN TO YOU FOR DELIBERATION.

16 WE ARE IN RECESS. AND I SAID 2:20 BECAUSE
17 IT'S LIKE ALMOST THREE MINUTES PAST 2:00 ALREADY.

18 PLEASE ESCORT THE D.A. FROM THE HEARING
19 ROOM.

20

21 (DEPUTY DISTRICT ATTORNEY MC KINNEY
22 EXITED THE GRAND JURY HEARING ROOM.)

23

24 (RECESS.)

25

26 MS. AENLLE-ROCHA: MADAM FOREPERSON, WOULD YOU
27 PLEASE CALL THIS CRIMINAL GRAND JURY HEARING TO ORDER.
28 SO ORDERED?

1 THE FOREPERSON: SO ORDERED.

2 MS. AENLLE-ROCHA: THANK YOU.

3 PLEASE LET THE RECORD REFLECT THAT THE SAME
4 NUMBER AS WELL AS THE SAME GRAND JURORS PRESENT AT
5 MORNING'S ROLL CALL ARE PRESENT. ALSO PRESENT IS DEPUTY
6 DISTRICT ATTORNEY JOHN MC KINNEY AND MYSELF, THE GRAND
7 JURY LEGAL ADVISOR.

8 AND, MR. SERGEANT-AT-ARMS, PLEASE INVITE
9 WITNESS #1 BACK INTO THE HEARING ROOM SO WE CAN COMPLETE
10 HER TESTIMONY.

11
12 (THE WITNESS ENTERED THE GRAND JURY
13 HEARING ROOM.)

14
15 MS. AENLLE-ROCHA: GO AHEAD AND RETAKE YOUR SEAT.
16 THANK YOU.

17 AND, MADAM FOREPERSON, PLEASE REMIND THE
18 WITNESS OF HER OATH.

19 THE FOREPERSON: YOU WILL RECALL THAT YOU HAVE
20 PREVIOUSLY BEEN SWORN AND ARE STILL UNDER OATH.

21 THE WITNESS: YES.

22 MS. AENLLE-ROCHA: AND AGAIN, THIS IS WITNESS #1
23 WHO'S BEEN TESTIFYING ALL AFTERNOON.

24 GO AHEAD.

25 BY MR. MC KINNEY:

26 Q OKAY. AT THE BREAK I BELIEVE YOU WERE
27 TESTIFYING THAT AFTER LEAVING A STREET CLOSE TO THE -- IN
28 THE NEIGHBORHOOD CLOSE TO THE PLAZA YOU WENT DIRECTLY FROM

1 THERE TO THE PLAZA SHOWN HERE IN GRAND JURY EXHIBIT
2 NUMBER 4, CORRECT?

3 A CORRECT.

4 Q DID ERIC SAY SOMETHING TO YOU THAT
5 INSTRUCTED YOU ON WHERE TO GO OR HOW DID YOU DRIVE TO THE
6 AREA TO THIS PLAZA?

7 A ONCE WE LEFT THE STREET WHERE I WAS TELLING
8 YOU WE SEEN THE GUYS AT, I LEFT -- HE WAS TELLING ME TO
9 MAKE A RIGHT BECAUSE I SAID, "WHERE DO YOU WANT TO GO GET
10 SOMETHING TO EAT FROM?" HE SAID, "MAKE A RIGHT RIGHT
11 HERE." SO AS WE MADE -- AS I MADE THAT RIGHT, WE WAS -- I
12 WAS DRIVING AND THEN LIKE RIGHT HERE -- WE GOT LIKE RIGHT
13 HERE. HE WAS LIKE, "MAKE A RIGHT RIGHT HERE."

14 Q OKAY. SO YOU SAID YOU WERE DRIVING
15 EASTBOUND ON SLAUSON AND AS YOU GOT TO THE FIRST DRIVEWAY
16 INTO 3420 HE SAID, "TURN RIGHT INTO HERE," CORRECT?

17 A CORRECT.

18 Q ARE YOU FAMILIAR WITH THIS --

19 MS. AENLLE-ROCHA: WAIT. I'M SORRY.

20 AND YOU WERE LOOKING AT EXHIBIT 4 AND YOU
21 USED THE CURSOR ALONG SLAUSON AVENUE FROM THE FAR RIGHT TO
22 A -- THE FIRST PARKING LOT THAT'S VISIBLE ON THIS EXHIBIT,
23 CORRECT?

24 THE WITNESS: CORRECT.

25 MS. AENLLE-ROCHA: AND YOU TURNED INTO THERE?

26 THE WITNESS: RIGHT.

27 MS. AENLLE-ROCHA: OKAY. AND YOU SHOWED THAT TO
28 US?

1 THE WITNESS: RIGHT.

2 MS. AENLLE-ROCHA: GO AHEAD.

3 BY MR. MC KINNEY:

4 Q OKAY. ARE YOU FAMILIAR WITH THIS LOCATION?
5 HAVE YOU EVER BEEN HERE BEFORE?

6 A I NEVER BEEN TO THIS LOCATION BEFORE.

7 Q OKAY. SO YOU TURNED INTO THAT LOCATION.
8 WHAT HAPPENED NEXT?

9 A TURNED INTO THIS LOCATION. I WAS LIKE,
10 "OH, IT'S SOMETHING TO EAT IN HERE?" AND THEN HE WAS JUST
11 LIKE, "YEAH."

12 AS I'M TURNING, I SEE NIPSEY HUSSLE AND
13 LIKE THREE -- LIKE TWO -- MAYBE THREE OTHER GUYS STANDING
14 AROUND HIM. I WAS LIKE, "OOH, THERE GOES NIPSEY HUSSLE.
15 HE LOOK FINE. I WANT TO TAKE A PICTURE." THIS AS I'M
16 GOING INTO THE PLAZA AND TURNING IN. AS I'M SAYING ALL
17 THIS, ERIC IS NOT SAYING NOTHING.

18 Q OKAY. LET ME STOP YOU THERE 'CAUSE YOU'RE
19 USING THE CURSOR ON THE EXHIBIT TO SHOW YOURSELF DRIVING
20 IN -- SOUTHBOUND INTO THE LOT TURNING LEFT AND GOING
21 EASTBOUND BETWEEN PARKED CARS, CORRECT?

22 A CORRECT.

23 Q NOW, YOUR TESTIMONY IS AS YOU PULLED IN YOU
24 SAW SOMEONE YOU RECOGNIZED AS NIPSEY HUSSLE, CORRECT?

25 A CORRECT.

26 Q HOW DID YOU RECOGNIZE NIPSEY HUSSLE?

27 A I KNEW -- SEEN HIM FROM LIKE A MOVIE THAT
28 HE PLAYED IN A LONG TIME AGO ON BET AND I LISTEN TO SOME

1 OF HIS MUSIC, BUT NOT ALL OF IT.

2 Q OKAY. SO YOU SAW HIM. DID YOU IMMEDIATELY
3 RECOGNIZE HIM?

4 A YES.

5 Q HAD YOU EVER SEEN ANY OF HIS MUSIC VIDEOS?

6 A YES.

7 Q AND YOU SAW HIM. DID YOU GET EXCITED WHEN
8 YOU SAW HIM?

9 A YEAH. I WAS HAPPY.

10 Q YOU SAID THAT YOU SAID, "OH, THERE GOES
11 NIPSEY HUSSLE. HE'S FINE"?

12 A YES.

13 Q WHAT DOES "HE'S FINE" MEAN?

14 A HE'S CUTE. HE'S HANDSOME.

15 Q DID YOU SAY THAT OUT LOUD WHILE YOU WERE
16 SITTING NEXT TO ERIC?

17 A YES.

18 Q AND YOU WERE MAKING YOUR WAY EASTBOUND
19 THROUGH THE PARKING LOT?

20 MEANING YOU HAD TURNED TO GO LEFT IN THE
21 PARKING LOT?

22 A YES. I SAID THAT AS I WAS PULLING IN.

23 Q OKAY. DID HE SAY ANYTHING OR REACT AT ALL
24 IN ANY WAY WHEN YOU SAID THAT?

25 A NO.

26 Q SO HE NEVER SAID, "OH, I KNOW NIPSEY"?

27 A NO.

28 Q OR "I KNOW THAT GUY"?

1 A NO.

2 Q NOTHING AT ALL?

3 A NOTHING AT ALL.

4 Q WHAT HAPPENED NEXT?

5 A SO I WAS TRYING TO FIND SOMEWHERE TO PARK
6 AND STUFF, BUT IT WAS LIKE CROWDED. SO THEN I HAD MADE
7 LIKE A -- HE GOT OFF THE CAR AND -- HE GOT OFF THE CAR AND
8 THEN HE HAD WALKED IN THERE AND ORDERED HIS FOOD. I WAS
9 STILL LIKE DRIVING TRYING TO LIKE -- RIGHT IN THIS PARKING
10 LOT TRYING TO FIND SOMEWHERE, SO -- I DIDN'T FIND NOWHERE
11 SO I JUST PARKED MY CAR LIKE BLOCKED IN WHERE THE CARS ARE
12 AT, JUST PARKED MY CAR ON THE SIDE WHERE -- WHAT'S THIS
13 CALLED?

14 Q IT'S CALLED A PARKING LOT.

15 A NO, THE LITTLE THING I'M WAVING.

16 Q OH, THE CURSOR?

17 A I PARKED RIGHT THERE. THIS IS WHERE I
18 PARKED AT LIKE FACING TOWARDS YA'LL. MY CAR WAS FACING
19 TOWARDS YA'LL. LIKE FACING TOWARDS NIPSEY.

20 Q OKAY.

21 A WHERE HE WAS STANDING AT.

22 Q SO LET ME JUST STATE FOR THE RECORD WHAT
23 YOU DID. YOU SAID YOU PULL YOUR CAR INTO THE LOT. YOU
24 SAW NIPSEY. YOU MADE YOUR COMMENT. YOU TURNED LEFT,
25 WHICH WOULD TAKE YOU EASTBOUND TOWARD WHAT'S MARKED AS AN
26 ALLEY. YOU GOT TO THE EDGE OF THE PARKING LOT BEFORE THE
27 ALLEY AND YOU TURNED YOUR CAR AROUND --

28 A CORRECT.

1 Q SO FIRST -- DID YOU SAY FIRST ERIC GOT OUT
2 OF THE CAR?

3 A YEAH. HE GOT OUT THE CAR WHEN I HAD MY CAR
4 FACING --

5 Q THE ALLEY?

6 A -- THE ALLEYWAY.

7 Q OKAY. SO HE GOT OUT. DID YOU SEE WHERE HE
8 WALKED TO?

9 A YES.

10 Q WHERE DID HE WALK TO?

11 A HE WALKED TO THE MASTER BURGER.

12 Q OKAY. AFTER HE WALKED INSIDE THE MASTER
13 BURGER WHAT DID YOU DO?

14 A I WAS -- I TURNED MY CAR AROUND FACING --
15 FACING THIS -- THIS WAY. MY CAR WAS FACING THIS WAY.

16 Q OKAY. SO YOU USED THE CURSOR TO SHOW THAT
17 YOU TURNED YOUR CAR AROUND THE OPPOSITE DIRECTION SO THAT
18 YOU WERE NOW FACING BACK TOWARD THE DRIVEWAY THAT YOU CAME
19 IN?

20 A CORRECT.

21 Q ALL RIGHT. WHAT HAPPENED NEXT?

22 A I SAT IN THE CAR AND ERIC, HE CAME OUT OF
23 MASTER BURGER AND HE WALKED OVER TO NIPSEY.

24 Q OKAY. DID HE COME BACK TO THE CAR FIRST OR
25 DID YOU SEE HIM LEAVE MASTER BURGER AND WALK DIRECTLY OVER
26 THERE?

27 A I SEEN HIM WALK DIRECTLY OVER THERE.

28 Q OKAY. WHAT WERE YOU THINKING WHEN YOU SAW

1 HIM DO THAT?

2 A I WAS JUST LIKE OH, HE'S TRYING TO BEAT ME
3 TO GO TALK TO HIM FIRST, LIKE, YOU KNOW, TRY TO TALK TO
4 HIM BEFORE I GOT A CHANCE TO TALK TO HIM.

5 Q OKAY. BECAUSE BEFORE THAT HAD HE EVER
6 GIVEN YOU ANY REASON TO KNOW THAT HE KNEW WHO
7 NIPSEY HUSSLE WAS?

8 A NO.

9 Q SO YOU SAW HIM WALK OVER TO THE AREA WHERE
10 NIPSEY HUSSLE WAS. WHAT DID YOU DO NEXT?

11 A WHEN I SEEN HIM WALKED OVER THERE, I WAS
12 LIKE -- I'M ABOUT TO GET OUT THE CAR, YOU KNOW, 'CAUSE HE
13 ALREADY OVER THERE. SO I'M GETTING OUT THE CAR. I'M
14 WALKING UP. SO I HEAR ERIC JUST TALKING ABOUT CUZ THIS,
15 YOU KNOW, HAD YOU EVER SNITCHED. THAT'S ME WALKING UP IN
16 THE MIDDLE, MIDDLE OF THE CONVERSATION. SO HIS FRIEND,
17 NIPSEY'S FRIEND, YOU KNOW, HE ASKED ME LIKE, YOU KNOW,
18 "WHAT'S UP?" AND I'M LIKE, "I WANT TO GET A PICTURE WITH
19 NIPSEY." AND HE WAS LETTING ME KNOW, YOU KNOW, WAIT UNTIL
20 ERIC FINISHED TALKING. HE DIDN'T SAY ERIC. HE JUST SAID
21 WAIT UNTIL HE GOT THROUGH TALKING.

22 Q OKAY. SO AS YOU WERE WALKING UP YOUR
23 TESTIMONY IS YOU HEARD A FRAGMENT OF A CONVERSATION
24 BETWEEN ERIC AND NIPSEY HUSSLE?

25 A CORRECT.

26 Q YOU HEARD ERIC SAYING WHAT?

27 A I HEARD HIM SAYING LIKE, "CUZ, HAVE YOU
28 EVER SNITCHED?" AND HE WAS -- IT SOUNDED LIKE HE WAS

1 TRYING TO ASK LIKE SOMEBODY ELSE. LIKE IT WAS LIKE
2 SOMEBODY ELSE NAME IN THE CONVERSATION 'CAUSE HE WAS LIKE,
3 "WELL, SOMEBODY SAID," BUT I DIDN'T REALLY HEAR THE NAME.

4 Q LET ME STOP YOU THERE. WHO MENTIONED
5 ANOTHER PERSON'S NAME? WAS IT ERIC OR NIPSEY?

6 A ERIC.

7 Q ARE YOU SURE IT WAS A NAME THAT HE
8 MENTIONED?

9 A THE WAY THE CONVERSATION WAS, IT SOUNDED
10 LIKE A NAME. IT WAS -- I KIND OF CAUGHT THE MIDDLE OF IT.

11 Q OKAY. SO HE -- YOU HEARD HIM ASK NIPSEY IF
12 NIPSEY HAD EVER SNITCHED?

13 A RIGHT.

14 Q WHAT, IF ANYTHING, DID YOU HEAR NIPSEY SAY
15 BACK TO HIM AFTER HE ASKED THAT QUESTION?

16 A NIPSEY WAS JUST LIKE -- LIKE "CHILL," LIKE
17 "NO, NO," LIKE THAT TO ERIC.

18 Q HE WAS JUST SAYING THE WORDS NO OR --

19 A YES, JUST SAYING THE WORDS NO.

20 Q OKAY. WHAT ELSE DID YOU HEAR WHILE YOU
21 WERE STANDING THERE?

22 A THAT WAS IT.

23 Q HOW MANY TIMES DID YOU HEAR ERIC SAY
24 SOMETHING TO NIPSEY ABOUT SNITCHING?

25 A IT WAS A LOT OF TIMES.

26 Q WELL --

27 A I DON'T KNOW LIKE THE NUMBER, BUT IT WAS
28 LIKE MULTIPLE TIMES, LIKE HE WAS SAYING IT LIKE BACK TO

1 BACK.

2 Q WAS IT THE SAME QUESTION, "HAVE YOU EVER
3 SNITCHED? HAVE YOU EVER SNITCHED?" LIKE THAT?

4 A YES. WHEN I STARTED STANDING THERE, HE
5 STARTED SAYING THAT MULTIPLE TIMES, BUT AS I'M WALKING UP
6 IT WAS LIKE A CONVERSATION LIKE HE WAS HAVING.

7 Q HOW WOULD YOU DESCRIBE THE BACK AND FORTH?
8 DID IT SEEM LIKE A NORMAL TONE OF VOICE,
9 NORMAL CONVERSATION, OR DID IT SEEM LIKE A FIGHT WAS ABOUT
10 TO HAPPEN?

11 A IT SEEMED LIKE A NORMAL CONVERSATION, LIKE
12 HE WAS TRYING TO GET TO THE POINT OR SOMETHING LIKE
13 HAPPENED IN THE PAST.

14 Q WHO SEEMED LIKE HE WAS TRYING TO GET TO A
15 POINT?

16 A ERIC.

17 Q AND WHY DO YOU SAY IT SEEMED LIKE HE WAS
18 TRYING TO GET TO SOMETHING THAT HAPPENED IN THE PAST?

19 WHAT DID YOU HEAR OR SEE TO MAKE YOU FEEL
20 THAT WAY?

21 A JUST BY HIM HEARING LIKE THE -- LIKE ALMOST
22 HEARING LIKE SOMEBODY'S NAME, LIKE HE WAS TRYING TO LIKE
23 CLARIFY OR SOMETHING LIKE, YOU KNOW, WHAT SOMEBODY SAID
24 BACK THEN, SAID THAT HE SNITCHED. THAT'S HOW IT SEEMED
25 LIKE THE CONVERSATION WAS. BUT BY ME CATCHING IN THE
26 MIDDLE, I DON'T -- I DON'T REALLY KNOW LIKE THE PERSON
27 NAME OR NOTHING LIKE THAT.

28 Q OKAY. WHAT, IF ANYTHING -- OTHER THAN "NO,

1 NO," WHAT, IF ANYTHING, DID YOU HEAR NIPSEY SAY IN
2 RESPONSE TO HIM WHILE YOU WERE STANDING THERE?

3 A THAT WAS IT. NIPSEY WASN'T REALLY TALKING.

4 Q DID HE SEEM COOL?

5 A YEAH, NIPSEY SEEMED LIKE COOL, BUT HIS "NO"
6 WAS JUST LIKE THIS DUDE NEED TO GO KIND OF. THAT'S HOW I
7 KIND OF TOOK IT, LIKE TRYING TO BRUSH HIM OFF, YOU KNOW,
8 LIKE "NO, NO." YOU KNOW HOW SOMEBODY LIKE KEEP ASKING YOU
9 SOMETHING AND YOU PROBABLY DON'T WANT TO KEEP ANSWERING
10 THE SAME QUESTION OR SOMETHING? NIPSEY WAS JUST KIND OF
11 LIKE THAT.

12 Q OKAY. AND THAT WAS YOUR IMPRESSION, RIGHT?

13 A THAT WAS MY IMPRESSION.

14 Q WHAT HAPPENED NEXT? HOW DID THAT -- WAS
15 THERE A BREAK IN THAT CONVERSATION AT SOME POINT?

16 A YEAH, IT WAS A BREAK. THAT'S WHEN NIPSEY
17 TURNED TO ME. HE WAS LIKE HE'S READY FOR THE PICTURE.

18 Q WHO SAID HE'S READY? THE FRIEND OR NIPSEY?

19 A NIPSEY. HE TALKED TO ME. NIPSEY TOLD ME
20 HE WAS READY.

21 Q OKAY. SO HE AGREED TO TAKE A PICTURE WITH
22 YOU?

23 A YES.

24 Q DID YOU THINK HE HAD ANY REASON TO KNOW
25 THAT YOU WERE WITH ERIC AT THAT POINT?

26 A I DON'T THINK SO, NO. HE PROBABLY SEEN US
27 GET OUT THE CAR MAYBE.

28 Q OKAY. SO YOU DON'T KNOW?

1 I'M ASKING YOU TO SPECULATE.

2 A OH, I DON'T KNOW.

3 Q BUT WHAT I'M WONDERING IS CAN YOU POINT TO
4 SOMETHING THAT WOULD SUGGEST TO YOU HE DEFINITELY KNEW YOU
5 WERE TOGETHER?

6 WAS THERE ANYTHING THAT WAS SAID?

7 DID YOU SAY ANYTHING TO ERIC, DID HE SAY
8 ANYTHING TO YOU IN FRONT OF NIPSEY THAT WOULD INDICATE THE
9 TWO OF YOU WERE TOGETHER?

10 A I DON'T THINK SO 'CAUSE I EVEN TOLD THE
11 FRIEND LIKE I'M WAITING ON HIM TO GET DONE TALKIN'. I
12 DIDN'T EVEN SAY LIKE "I'M WITH ERIC" OR NOTHING. I WAS
13 JUST LIKE, "I'LL WAIT FOR HIM TO GET THROUGH TALKIN'."

14 Q OKAY.

15 A THAT'S WHAT I TOLD THE FRIEND.

16 Q SO OBVIOUSLY AT SOME POINT THE FRIEND MUST
17 HAVE COMMUNICATED TO NIPSEY THAT YOU WERE WAITING FOR A
18 PICTURE BECAUSE THE NEXT THING YOU KNOW NIPSEY TURNED TO
19 YOU AND SAID, "I'LL TAKE A PICTURE WITH YOU"?

20 A RIGHT.

21 Q HOW DID YOU FEEL ABOUT THAT?

22 A ABOUT THE PICTURE?

23 Q ABOUT NIPSEY TALKING DIRECTLY TO YOU AND
24 SAYING, "COME ON, I'LL TAKE THIS PICTURE WITH YOU."

25 A I FELT HONORED, LIKE, YOU KNOW, THAT HE
26 DIDN'T LIKE TURN ME AWAY OR NOTHING.

27 Q OKAY. DID HE SEEM REAL COOL?

28 A YES.

1 Q APPROACHABLE?

2 A YES.

3 Q FRIENDLY?

4 A YES.

5 Q AND DID YOU END UP TAKING A PICTURE WITH
6 HIM?

7 A YES.

8 Q TELL US HOW THAT HAPPENED.

9 A WHEN HE SAID THAT HE WAS READY, I DID THE
10 SELFIE OF THE PICTURE, HOLD UP MY PHONE AND JUST TOOK THE
11 PICTURE LIKE THAT.

12 Q YOU CAUGHT THE BOTH OF YOU IN THE PICTURE?

13 A YES.

14 Q WERE YOU SMILING?

15 A YES.

16 Q OKAY. AND WHAT HAPPENED AFTER YOU TOOK THE
17 PICTURE?

18 MS. AENLLE-ROCHA: HOLD ON A SECOND.

19 SO WHEN YOU WERE INDICATING THAT YOU TOOK A
20 PICTURE WITH HIM, YOU HELD UP YOUR RIGHT HAND AND PUT IT
21 OFF TO YOUR RIGHT, CORRECT?

22 THE WITNESS: CORRECT.

23 MS. AENLLE-ROCHA: AS IF YOU WERE HOLDING A PHONE?

24 THE WITNESS: CORRECT.

25 MS. AENLLE-ROCHA: THANK YOU.

26 GO AHEAD.

27 BY MR. MC KINNEY:

28 Q WHAT HAPPENED AFTER YOU TOOK THAT PICTURE?

1 A I WENT TO THE CAR AFTER THAT.

2 Q WHEN YOU WENT BACK, DID YOU GO IMMEDIATELY
3 BACK TO THE CAR?

4 A YES.

5 Q DID YOU SAY ANYTHING TO ERIC AT ALL?

6 A NO.

7 Q WHEN YOU LEFT TO GO BACK TO THE CAR, WAS
8 ERIC STILL THERE IN THAT SAME GROUP WITH NIPSEY?

9 A YES.

10 Q WHAT DID YOU DO WHEN YOU GOT BACK TO YOUR
11 CAR?

12 A WHEN I GOT BACK TO THE CAR, I HAD POSTED IT
13 ON FACEBOOK.

14 Q OKAY. WHY DID YOU WANT A PICTURE WITH
15 NIPSEY?

16 A I WAS JUST LIKE OH, YOU KNOW, LIKE SEEING A
17 CELEBRITY, YOU KNOW, JUST THE -- JUST BECAUSE I KNOW HE
18 WAS A CELEBRITY.

19 Q OKAY. AND --

20 A AND TO SHOW MY FRIENDS.

21 Q IS THAT ALSO WHY YOU POSTED IT ON FACEBOOK?

22 A YES.

23 Q AND DID YOU DO THAT WHILE YOU WERE SITTING
24 THERE IN THE CAR?

25 A YES.

26 Q WHEN YOU WERE POSTING THAT PHOTO, WAS ERIC
27 STILL IN THE GROUP WITH NIPSEY OR HAD HE WALKED AWAY?

28 A HE WAS STILL THERE.

1 Q SO YOU POSTED IT IMMEDIATELY WHEN YOU GOT
2 BACK TO THE CAR?

3 A YES.

4 Q NOW, AT THAT POINT ARE YOU THINKING WOW,
5 THIS IS -- TODAY'S A GOOD DAY?

6 A YES.

7 Q WERE YOU HAPPY?

8 A YEAH. I WAS LIKE OH, TODAY TURNED OUT
9 COOL, YOU KNOW. I THOUGHT IT WAS GONNA BE LIKE A BORING
10 DAY, BUT IT TURNED OUT COOL. EVERYBODY WAS OUT HAVING
11 FUN.

12 Q DID YOU HAVE ANY IDEA AT ALL THAT SOMETHING
13 BAD WAS GONNA HAPPEN THAT DAY AT THAT POINT?

14 A NO.

15 MS. AENLLE-ROCHA: I JUST WANT TO REMIND YOU WHEN
16 YOU'RE ANSWERING QUESTIONS TO SAY "YES" INSTEAD OF "YEAH."
17 OKAY?

18 THE WITNESS: YES.

19 MS. AENLLE-ROCHA: OKAY. THANK YOU.

20 THE WITNESS: YOU'RE WELCOME.

21 BY MR. MC KINNEY:

22 Q AFTER YOU POSTED THE PICTURE, WHAT HAPPENED
23 NEXT?

24 A AFTER I POSTED THE PICTURE, I WAS JUST
25 WAITING ON HIM IN THE CAR. ERIC, HE WENT BACK INTO THE
26 MASTER BURGER AND THEN HE CAME BACK OUT AND CAME BACK TO
27 ME, AND HE WAS LIKE, "OH, I NEED \$2" FOR THE FOOD THAT HE
28 HAD ORDERED. I DIDN'T HAVE \$2. I ONLY HAD \$5. SO I GAVE

1 HIM \$5 TO GET THE FOOD.

2 Q OKAY. DID YOU GIVE HIM \$5?

3 A YES.

4 Q WHAT, IF ANYTHING, DID YOU SEE HIM DO AFTER
5 YOU GAVE HIM THE MONEY?

6 A HE WENT BACK IN THERE TO GET THE FOOD. AT
7 THAT TIME I HAD FOUND THE PARKING SPOT SO I PARKED RIGHT
8 IN FRONT OF MASTER BURGER TO WAIT ON HIM.

9 Q OKAY. AND YOU'RE SHOWING US THE SOUTH SIDE
10 OF THE PARKING RIGHT IN FRONT OF THE MASTER BURGER
11 RESTAURANT, CORRECT?

12 A CORRECT.

13 Q IS IT AT THAT POINT THAT YOU WERE ABLE TO
14 SEE INSIDE OF THE RESTAURANT AND SEE THAT RED BENCH?

15 A YES.

16 Q THAT YOU IDENTIFIED IN GRAND JURY EXHIBIT
17 8, I BELIEVE?

18 A YES.

19 Q WHAT DID YOU SEE ERIC DO AFTER HE WALKED
20 OUT OF THE MASTER BURGER WITH HIS FOOD?

21 A HE CAME BACK TO THE CAR.

22 Q OKAY. DID YOU SEE WHETHER HE WALKED BACK
23 OVER TO WHERE NIPSEY WAS BRIEFLY?

24 A I THINK HE DID. I'M NOT REALLY SURE. I
25 THINK HE JUST CAME BACK TO THE CAR.

26 Q OKAY. AND DURING THE WHOLE TIME THAT THE
27 TWO OF YOU WERE AT THE PLAZA, AT THAT TIME WAS HE WALKING
28 AROUND WITHOUT HIS SHIRT ON?

1 A YEAH.

2 MS. AENLLE-ROCHA: IS THAT A "YES"?

3 THE WITNESS: YES.

4 BY MR. MC KINNEY:

5 Q WHEN HE GOT BACK IN THE CAR WITH HIS FOOD,
6 DID THE TWO OF YOU SIT THERE FOR A WHILE OR DID YOU
7 IMMEDIATELY LEAVE THE PARKING LOT?

8 A SAT THERE FOR ABOUT -- JUST LIKE A LITTLE
9 BIT. I WAS BACKING -- I WAS BACKING OUT -- ONCE HE GOT IN
10 THE CAR, I WAS BACKING OUT. AND THEN HE WAS LIKE, "WAIT,
11 I WANT TO," YOU KNOW, "EAT MY FOOD," OR WHATEVER, "RIGHT
12 HERE." SO WE STOPPED LIKE RIGHT HERE. AND THEN HE WANTED
13 TO TELL ME THAT HE WANTED TO EAT HIS FOOD HERE. SO HE WAS
14 LIKE -- I WAS LIKE, "WELL, NOT RIGHT HERE," YOU KNOW. SO
15 HE WANTED TO DRIVE AROUND, AROUND THE ALLEYWAY SO HE CAN
16 EAT THE FOOD.

17 Q OKAY. AND SO WITH THE CURSOR YOU SAID THAT
18 AS YOU BACKED INTO THE LARGER SPACE BETWEEN THE TWO ROWS
19 OF CARS IS WHERE HE SAID, "WAIT HERE. I WANT TO EAT MY
20 FOOD"?

21 A YES.

22 Q AND YOU SAID TO HIM, "NOT RIGHT HERE"?

23 A YEAH. I WAS JUST LIKE, "YOU WANT TO EAT IT
24 RIGHT HERE?" YOU KNOW, AND THEN HE WAS JUST LIKE, "YEAH,
25 OR" -- I WAS JUST LIKE, "YOU WANT TO EAT IT RIGHT HERE?"

26 MS. AENLLE-ROCHA: AND YOU'RE USING THE CURSOR TO
27 POINT TO THE PARKING LOT?

28 THE WITNESS: YES, THE PART TO THE PARKING LOT

1 BECAUSE WE WERE SITTING RIGHT THERE FOR A MINUTE AND THEN
2 HE WAS LIKE HE WANTED TO EAT HIS FOOD HERE AND I'M JUST
3 LIKE, "NOT RIGHT HERE," YOU KNOW. SO THEN HE WAS LIKE,
4 "WELL, WE COULD JUST DRIVE AROUND."

5 BY MR. MC KINNEY:

6 Q SO WHAT DID YOU DO?

7 A WE DROVE AROUND -- WE DROVE AROUND THE --
8 RIGHT HERE. WE CAME OUT, DROVE AROUND THE -- THE LITTLE
9 PLAZA THING AROUND TO THE BACK, AROUND HERE. THAT WAS
10 LIKE ONE TIME.

11 Q OKAY. LET ME STOP YOU THERE BECAUSE YOU'RE
12 DOING SOME THINGS WITH THE CURSOR.

13 A OKAY.

14 Q I THINK YOU'RE GETTING A LITTLE HAPPY WITH
15 MY CURSOR.

16 A OH, OKAY.

17 Q ALL RIGHT. SO AT SOME POINT YOU LEFT THE
18 LOT AND YOU LEFT THROUGH THE SECOND DRIVEWAY --

19 A YES.

20 Q -- THAT IS EAST OF THE ONE YOU ENTERED ON
21 ONTO SLAUSON AVENUE, CORRECT?

22 A CORRECT.

23 Q ONCE YOU WERE ONTO SLAUSON WHERE DID YOU
24 GO?

25 TELL ME AND I'LL MOVE THE CURSOR.

26 A OKAY. WENT AROUND LIKE WHERE 58TH STREET
27 IS AT.

28 Q ON THIS EXHIBIT THERE'S A STREET MARKED AS

1 58TH PLACE. DID YOU GO AROUND THERE?

2 A YES.

3 Q OKAY. NOW, DID YOU GO FROM SLAUSON UP TO
4 THE CORNER OF CRENSHAW AND TURN DOWN CRENSHAW?

5 A YES.

6 Q OKAY. AND THEN DID YOU GO ALL THE WAY DOWN
7 TO 58TH PLACE AND TURN HERE?

8 A YES.

9 Q AND WHERE DID YOU GO WHEN YOU GOT TO 58TH
10 PLACE?

11 MS. AENLLE-ROCHA: LET ME STOP YOU FOR A MINUTE.

12 SO YOU MADE A RIGHT ONTO 58TH PLACE FROM
13 CRENSHAW BOULEVARD; IS THAT CORRECT?

14 THE WITNESS: THAT'S CORRECT.

15 MS. AENLLE-ROCHA: OKAY. SO NOW YOU'RE ON 58TH
16 PLACE?

17 THE WITNESS: RIGHT.

18 BY MR. MC KINNEY:

19 Q WHERE DID YOU GO NEXT?

20 A WENT AROUND -- LIKE WENT AROUND IN LIKE A
21 CIRCLE TOWARDS THE -- GOING BACK TOWARDS THE PLAZA.

22 Q OKAY. LET ME GO BACK TO AN EXHIBIT I
23 SHOWED YOU EARLIER. THIS SHOWS A WIDER VIEW OF CRENSHAW.

24 SO YOUR TESTIMONY SO FAR IS THAT YOU LEFT
25 THE PARKING LOT ONTO SLAUSON, TURNED RIGHT ONTO CRENSHAW,
26 TURNED RIGHT ONTO 58TH PLACE, AND THEN DID YOU JUST GO
27 AROUND THE BLOCK?

28 A YES.

1 Q SO THAT MEANS YOU CONTINUED ON 58TH PLACE.
2 IT LOOKS LIKE THERE'S A STREET HERE THAT'S UNMARKED. DID
3 YOU MAKE A RIGHT ONTO THIS STREET, THE FIRST STREET THAT
4 YOU COULD?

5 A RIGHT.

6 MS. AENLLE-ROCHA: AND YOU'RE REFERRING TO A STREET
7 THAT'S IN BETWEEN CRENSHAW AND WEST BOULEVARD.

8 BY MR. MC KINNEY:

9 Q THIS STREET IS RIGHT IN BETWEEN THOSE TWO
10 MAJOR STREETS, CORRECT?

11 A CORRECT.

12 Q OKAY. SO YOU MADE A RIGHT ONTO THIS
13 UNMARKED STREET ON THE EXHIBIT. AND THEN WHAT DID YOU DO
14 WHEN YOU GOT TO SLAUSON?

15 A MADE THAT -- THAT'S A LEFT.

16 Q THAT'S ANOTHER RIGHT.

17 A OH, IT'S ANOTHER RIGHT. ANOTHER RIGHT. AS
18 WE DRIVING, HE'S PULLING OUT THE GUN RIGHT NOW AND HE'S
19 LOADING IT WITH THE -- WITH THE BULLETS AND EVERYTHING
20 LIKE THAT, LIKE PUTTING IT IN THERE AND EVERYTHING, KIND
21 OF HOLDING IT TOWARDS THE WINDOW BUT NOT, AND I WAS JUST
22 LIKE, "YOU'RE NOT GONNA DO A DRIVE-BY IN MY CAR."

23 Q ALL RIGHT. STOP RIGHT THERE.

24 NOW, AS I'M TRACING THE CURSOR ALONG
25 SLAUSON HEADING EAST BACK TOWARDS THE PLAZA THAT YOU JUST
26 LEFT, YOU SAID YOU SAW HIM WITH THE HANDGUN, CORRECT?

27 A CORRECT.

28 Q WHAT DID THE GUN LOOK LIKE?

1 A IT WAS THE BLACK NINE MILLIMETER THAT WAS
2 IN THE PHOTO THAT YOU SHOWED ME.

3 Q OKAY. HAD YOU SEEN HIM WITH THAT GUN ON
4 THAT DAY BEFORE THAT MOMENT?

5 A NO.

6 Q THAT'S THE FIRST TIME THAT DAY YOU SAW HIM
7 WITH ANY GUN; IS THAT CORRECT?

8 A CORRECT.

9 Q YOU SAID AS YOU WERE DRIVING ALONG YOU LOOK
10 OVER AND SEE HIM WITH THE GUN IN HIS HAND; IS THAT TRUE?

11 A THAT'S TRUE.

12 Q DID YOU SEE WHERE HE GOT THE GUN FROM?

13 A NO. HE PULLED IT OUT SO FAST I DON'T KNOW
14 WHERE HE GOT IT FROM.

15 Q WAS YOUR PASSENGER SIDE WINDOW UP OR DOWN
16 AT THAT MOMENT?

17 A IT WAS DOWN. IT WAS LIKE KIND OF CRACKED A
18 LITTLE BIT, BUT IT WAS DOWN ENOUGH.

19 Q AND YOU SAID HE WAS DOING SOMETHING TO THE
20 GUN AS HE WAS HOLDING IT, CORRECT?

21 A CORRECT.

22 Q WHAT DID YOU SEE HIM DOING?

23 A I SAW HIM LOADING THE BULLETS INTO THE
24 MAGAZINE.

25 Q OKAY. WHAT IS A MAGAZINE FOR THOSE WHO
26 DON'T KNOW?

27 A MAGAZINE IS WHERE YOU PUT LIKE THE BULLETS
28 IN. IT'S LIKE THE -- THE HANDLE OF THE GUN. IT'S LIKE --

1 IT'S LIKE A GUN WITH SOMETHING ELSE INSIDE OF IT.

2 Q ALL RIGHT. SO IS A MAGAZINE A PART OF A
3 GUN THAT GETS INSERTED INTO THE BOTTOM OF THE HANDLE?

4 A YES.

5 Q OKAY. AND IN THAT INSERT IS WHERE BULLETS
6 ARE PLACED? IS THAT YOUR UNDERSTANDING?

7 A YES, THAT'S MY UNDERSTANDING.

8 Q HOW DO YOU KNOW ABOUT THAT?

9 A I TOOK THE TEST TO GET A GUN PERMIT. SO ON
10 THE PERMIT THEY TELL YOU LIKE WHAT'S THE PART OF THE GUN,
11 YOU KNOW, THE DIFFERENT PARTS OF IT, THE DIFFERENT TYPES
12 OF BULLETS. ALL THAT IS ON THE TEST.

13 Q OKAY. SO YOU TOOK A TEST FOR -- TO POSSESS
14 A GUN LEGALLY?

15 A CORRECT.

16 Q DO YOU OWN A GUN?

17 A NOT YET.

18 Q ALL RIGHT. SO -- BUT DURING THAT TIME YOU
19 LEARNED SOME PARTS OF A GUN; IS THAT CORRECT?

20 A CORRECT.

21 Q SO YOU SAW -- DID YOU SEE ACTUAL BULLETS
22 INSIDE THE MAGAZINE?

23 A YES.

24 Q DID YOU SEE HIM PUT THE MAGAZINE INTO THE
25 BOTTOM OF THE HANDLE OF THE GUN?

26 A NO.

27 Q YOU JUST SAW HIM DOING WHAT?

28 A HE WAS JUST -- HE WAS JUST LOADING IT IN

1 THERE, IN THE MAGAZINE.

2 Q DID HE SAY ANYTHING TO YOU BEFORE YOU SAW
3 THAT?

4 DID HE SAY ANYTHING TO YOU ABOUT
5 NIPSEY HUSSLE OR DID HE SEEM ANGRY WITH ANYBODY?

6 A NO, HE DIDN'T SEEM -- IT SEEMED LIKE HIS
7 NORMAL SELF TO ME.

8 Q SO FROM THE TIME HE GOT BACK IN THE CAR
9 WITH HIS FOOD TO THE TIME YOU SAW HIM WITH THE GUN ARE YOU
10 TESTIFYING THAT YOU SAW NO CHANGE IN HIS ATTITUDE OR
11 DEMEANOR?

12 A CORRECT.

13 Q OKAY. SO YOU LOOK OVER AND YOU SEE HIM
14 WITH THE GUN. WHEN YOU FIRST SEE THAT GUN, WHAT CROSSED
15 YOUR MIND?

16 A I WAS LIKE, "YOU'RE NOT GONNA DO NO
17 DRIVE-BY IN MY CAR."

18 Q OKAY. WHY DID YOU THINK -- BECAUSE YOU HAD
19 SEEN HIM WITH A GUN ON MANY PRIOR OCCASIONS, RIGHT?

20 A RIGHT.

21 Q WHY DID YOU THINK AT THAT MOMENT THAT HE
22 WAS GONNA USE THE GUN TO SHOOT SOMEBODY?

23 A BECAUSE I NEVER SEEN HIM LOAD IT. LIKE I
24 NEVER SEEN HIM LIKE ACTUALLY PUTTING STUFF IN IT. EVERY
25 TIME HE BE WITH ME HE WILL JUST HAVE IT ON HIM. I NEVER
26 ACTUALLY SEEN HIM LIKE FIXING STUFF, PUTTING IT IN THERE,
27 PLAYING WITH IT --

28 Q OKAY.

1 A -- LIKE HE'S ABOUT TO GET READY TO USE IT.

2 Q WHAT, IF ANYTHING, DID HE SAY TO YOU WHEN
3 YOU TOLD HIM, "YOU'RE NOT ABOUT TO DO A DRIVE-BY FROM MY
4 CAR"?

5 A HE DIDN'T SAY NOTHING. HE JUST PUT IT
6 AWAY.

7 Q DID HE PUT THE GUN AWAY OR JUST THE
8 MAGAZINE?

9 A HE PUT EVERYTHING AWAY. THE GUN AWAY.

10 Q DID YOU SEE WHERE HE PUT IT?

11 A NO.

12 Q NOW, I JUST WANT TO CLARIFY WHERE YOU WERE
13 FROM THE TIME YOU FIRST SAW THE GUN TO THE TIME HE PUT IT
14 AWAY. SO YOU SAID THAT AS YOU WERE DRIVING ALONG SLAUSON
15 EASTBOUND BACK TOWARD THE PLAZA IS WHEN YOU FIRST SAW THE
16 GUN. OKAY?

17 A OKAY.

18 Q ALL RIGHT. SO I'M GONNA GO TO THE DRIVEWAY
19 WHERE YOU SAID YOU FIRST TURNED IN THERE TO GET FOOD.
20 WHEN YOU FIRST SAW THE GUN, YOU TELL ME WHERE TO MOVE THE
21 CURSOR, RIGHT OR LEFT.

22 A LEFT.

23 Q PAST THE DRIVEWAY TOWARD CRENSHAW?

24 A CORRECT.

25 Q SO YOU WERE ALREADY PAST THIS DRIVEWAY WHEN
26 YOU FIRST SAW THE GUN?

27 A RIGHT.

28 Q WERE YOU ALL THE WAY UP TO THE CORNER OF

1 CRENSHAW OR SOMEWHERE IN BETWEEN?

2 A IN BETWEEN.

3 Q OKAY. WHEN HE PUT THE GUN AWAY, WHERE WAS
4 YOUR CAR?

5 A GOING AROUND THE CORNER.

6 Q TURNING ONTO CRENSHAW?

7 A CORRECT.

8 Q OKAY.

9 MS. AENLLE-ROCHA: WAS THE MAGAZINE IN -- IN THE
10 GUN AT THAT TIME?

11 THE WITNESS: IT DIDN'T LOOK LIKE IT. I DIDN'T SEE
12 IT.

13 MS. AENLLE-ROCHA: WELL, YOU SAID YOU SAW HIM --

14 THE WITNESS: I DIDN'T SEE THE -- I DIDN'T SEE THE
15 HANDLE ON THERE.

16 MS. AENLLE-ROCHA: OKAY.

17 BY MR. MC KINNEY:

18 Q SO AFTER YOU TURNED ONTO CRENSHAW YOU
19 BELIEVE HE PUT THE GUN AWAY; IS THAT CORRECT?

20 A CORRECT.

21 Q WHAT --

22 MS. AENLLE-ROCHA: AND IF THE MAGAZINE WASN'T
23 ALREADY IN THE GUN, THEN HE PUT THE MAGAZINE AND THE GUN
24 AWAY?

25 THE WITNESS: THE MAGAZINE WAS ALREADY IN THE GUN
26 AND HE PUT THE GUN AWAY. I DIDN'T NEVER SEE THE HANDLE.
27 I DIDN'T NEVER SEEN HIM PUT THE HANDLE ON THERE.

28 MS. AENLLE-ROCHA: OKAY. YOU SAW HIM PUTTING

1 BULLETS IN THE MAGAZINE?

2 THE WITNESS: CORRECT.

3 MS. AENLLE-ROCHA: IT WAS OUTSIDE OF THE GUN?

4 THE WITNESS: CORRECT.

5 MS. AENLLE-ROCHA: AND THEN THE MAGAZINE WAS IN THE
6 GUN?

7 THE WITNESS: YEAH, THE MAGAZINE WAS IN THE GUN.

8 MS. AENLLE-ROCHA: BUT -- YOU DIDN'T SEE HIM PUT IT
9 IN, BUT SOMEHOW -- BUT IT WAS -- THE NEXT TIME YOU LOOKED
10 IT WAS IN THE GUN?

11 THE WITNESS: I DIDN'T SEE THE HANDLE. THE
12 HANDLE -- IT DIDN'T LOOK LIKE THE HANDLE WAS IN THE GUN.
13 IT JUST LOOKED LIKE THE MAGAZINE WAS IN THERE, LIKE HALF
14 OF THE GUN WAS LIKE NOT ALL THE WAY PUT TOGETHER.

15 MS. AENLLE-ROCHA: OKAY.

16 BY MR. MC KINNEY:

17 Q OKAY. SO THE LAST TIME YOU SAW THE GUN
18 BEFORE HE PUT IT AWAY, ARE YOU TESTIFYING THAT IT LOOKED
19 LIKE THE MAGAZINE WAS HALFWAY INSERTED BACK INTO THE
20 BOTTOM HANDLE OF THE GUN?

21 A CORRECT.

22 Q NOW YOU'RE TURNED ONTO CRENSHAW. WHAT
23 HAPPENED NEXT?

24 A TURNED ONTO CRENSHAW. THAT'S WHEN I PULLED
25 IN TO LIKE THIS -- IN THE BACK OF THE -- THE BACK OF THE
26 ALLEY OF THE PLAZA. YOU SAID IT WAS FAT BURGER. I WAS
27 TELLING YA'LL IT WAS LIKE IN THE MIDDLE. WHEN WE HAD
28 DISCUSSED IT, IT WAS LIKE -- I WAS IN THE MIDDLE SITTING

1 THERE AND THEN THAT'S WHEN HE START EATING HIS FOOD A
2 LITTLE BIT AND I ASKED HIM --

3 Q LET ME STOP YOU.

4 A OH, OKAY.

5 Q AT SOME POINT DID YOU CUT THROUGH THIS
6 SHELL GAS STATION?

7 A YES.

8 Q WHEN DID YOU DO THAT?

9 WAS THAT THE FIRST TIME YOU LEFT THE MASTER
10 BURGER PARKING LOT OR IS IT AFTER YOU SAW THE GUN AND WERE
11 APPROACHING CRENSHAW AGAIN?

12 A I THINK IT WAS THE SECOND TIME. I'M NOT
13 REALLY SURE, BUT I THINK IT'S THE SECOND TIME WHEN I CUT
14 THROUGH SHELL'S.

15 Q SO THAT'S AFTER YOU SAW HIM MANIPULATING
16 THE GUN?

17 A CORRECT.

18 Q SO YOU'RE COMING UP, YOU'RE TELLING HIM TO
19 PUT THE GUN AWAY, AND YOU TURN INTO THE SHELL GAS STATION,
20 CORRECT?

21 A CORRECT.

22 Q AND YOU END UP STOPPING YOUR CAR BEHIND
23 THIS FAT BURGER HERE WHERE I PUT THE CURSOR?

24 I PUT THE CURSOR -- IT'S SOUTH OF THE -- IN
25 A PARKING LOT BETWEEN FAT BURGER AND WEST 58TH PLACE.

26 IS THIS WHERE YOU CAME TO A STOP?

27 A CORRECT.

28 Q YOUR CAR -- THE FRONT OF YOUR CAR IS FACING

1 THE ALLEY BETWEEN 58TH PLACE AND SLAUSON, CORRECT?

2 A CORRECT.

3 Q WHY DID YOU STOP THERE?

4 A HE WANTED TO EAT HIS FOOD. THEN -- SO HE
5 STARTED EATING HIS FOOD WHEN I ASKED --

6 Q LET ME STOP YOU THERE.

7 A OKAY.

8 Q I'M NOT ASKING YOU WHAT HE WANTED.

9 A OH.

10 Q I'M ASKING YOU WHY DID YOU STOP YOUR CAR AT
11 THAT LOCATION?

12 A HE WANTED TO EAT RIGHT THERE.

13 Q DOES THAT MEAN HE TOLD YOU TO STOP THERE?

14 A YES.

15 Q ALL RIGHT. SO LISTEN CAREFULLY TO MY
16 QUESTIONS.

17 A OKAY.

18 Q SO AS YOU WERE DRIVING ON CRENSHAW DID HE
19 SAY, "PULL OVER IN HERE, I WANT TO EAT," OR HOW DID THAT
20 HAPPEN?

21 A YES. HE TOLD ME TO PULL OVER THERE AND
22 STOP RIGHT THERE, HE WANTED TO EAT.

23 Q SO YOU STOPPED IN THAT PARKING LOT. WHAT
24 HAPPENED NEXT?

25 A HE STARTED EATING HIS FOOD. I ASKED HIM
26 WAS HE READY TO GO, AND THEN HE WAS LIKE, "NOT YET." AT
27 THAT TIME I WAS MOVING. REASON WHY I SAY THAT 'CAUSE I
28 REMEMBER WHEN YOU SHOWED ME THE PICTURE I THOUGHT I STILL

1 WAS RIGHT THERE, SITTING THERE. I DIDN'T REMEMBER THAT I
2 HAD MOVED TILL YOU HAD REFRESHED MY MEMORY LIKE MY CAR
3 WASN'T LIKE THERE --

4 Q ALL RIGHT.

5 A -- THE WHOLE TIME.

6 Q LET ME STOP YOU THERE BECAUSE YOU'RE
7 GETTING AHEAD OF MY QUESTIONS.

8 A OH, OKAY.

9 Q ALL RIGHT. YOU SAID, "YOU REFRESHED MY
10 MEMORY." ARE YOU REFERRING TO A CONVERSATION THAT WE HAD
11 ABOUT WHAT HAPPENED BEFORE YOUR TESTIMONY TODAY?

12 A CORRECT.

13 Q ALL RIGHT. SO RIGHT NOW GRAND JURORS ARE
14 LISTENING TO YOU FOR WHAT'S BEING SAID IN THIS ROOM. YOUR
15 TESTIMONY IS YOU -- HE TOLD YOU TO STOP BEHIND FAT BURGER
16 AND YOU STOPPED THERE AND HE STARTED EATING FOOD, CORRECT?

17 A CORRECT.

18 Q WAS IT THE FOOD HE GOT FROM THE MASTER
19 BURGER?

20 A CORRECT.

21 Q WHAT KIND OF FOOD? DID YOU SEE WHAT IT
22 WAS?

23 A CHILI CHEESE FRIES.

24 Q OKAY. SO YOU'RE SITTING THERE IN THE
25 DRIVER'S SEAT, HE'S SITTING THERE IN THE PASSENGER SEAT
26 EATING CHILI CHEESE FRIES; IS THAT RIGHT?

27 A RIGHT.

28 Q DID YOU HAVE ANY CONVERSATION WITH HIM

1 ABOUT THE GUN?

2 A NO.

3 Q YOU DIDN'T SAY TO HIM, "WHY DID YOU BRING A
4 GUN IN MY CAR, I COULD GET IN TROUBLE FOR THIS IF WE GET
5 STOPPED," ANYTHING LIKE THAT?

6 A NO.

7 Q WERE YOU CONCERNED ABOUT THAT?

8 A NO.

9 Q WHY NOT?

10 A I JUST WASN'T THINKING ABOUT IT.

11 Q ALL RIGHT. SO HE'S SITTING THERE EATING
12 CHILI CHEESE FRIES. HOW LONG ARE YOU AT THAT SPOT WITH
13 HIM EATING BEFORE SOMETHING HAPPENED?

14 A MAYBE FIVE MINUTES OR SOMETHING LIKE THAT.

15 Q OKAY. WHAT WAS THE CONVERSATION WHILE YOU
16 WERE SITTING THERE AND HE WAS EATING?

17 A I WAS TELLING HIM IS HE READY TO GO AND
18 STUFF, AND THAT'S WHEN I STARTED MOVING MY CAR TOWARDS THE
19 ALLEY. AND THEN HE WAS LIKE, "WAIT. DON'T GO NOWHERE.
20 I'LL BE BACK."

21 Q OKAY. LET ME STOP YOU THERE.

22 YOU SAID YOU START MOVING YOUR CAR TOWARD
23 THE ALLEY, WHICH MEANS FROM YOUR LAST TESTIMONY YOU WERE
24 STOPPED SOMEWHERE IN THE PARKING LOT BEHIND FAT BURGER.
25 DOES THAT MEAN YOU STARTED DRIVING YOUR CAR WESTBOUND
26 TOWARDS THIS ALLEY MARKED IN THE PHOTOGRAPH?

27 A RIGHT.

28 Q WHEN YOU GOT TO THE ALLEY, DID YOU STOP AT

1 THE ALLEY OR DID YOU TURN RIGHT OR LEFT?

2 A I TURNED LEFT LIKE GOING OUT.

3 Q GOING OUT TOWARDS 58TH PLACE?

4 A CORRECT.

5 Q WHY DID YOU DRIVE AND TURN TOWARD 58TH
6 PLACE?

7 A THAT'S WHEN HE TOLD ME THAT HE WILL BE
8 BACK.

9 Q LISTEN TO THE QUESTION. WHY DID YOU DRIVE
10 TOWARD 58TH PLACE?

11 WHY WERE YOU DRIVING IN THAT DIRECTION?

12 A BECAUSE I WAS READY TO GO.

13 Q OKAY. SO YOU WERE DRIVING -- YOU WERE ON
14 YOUR WAY OUT OF THAT AREA; IS THAT CORRECT?

15 A CORRECT.

16 Q WHY DIDN'T YOU JUST DRIVE ONTO 58TH PLACE
17 AND KEEP GOING? WHAT HAPPENED?

18 A HE WANTED TO GET OUT AND GO -- ALL HE SAID
19 HE'LL BE BACK.

20 Q SO DOES THAT MEAN AT SOME POINT HE TOLD YOU
21 TO STOP THE CAR?

22 A YES.

23 Q WHERE WAS THE CAR WHEN HE TOLD YOU TO STOP
24 IT?

25 A IT WAS LIKE RIGHT AT -- LIKE RIGHT AT THE
26 END OF THE ALLEY.

27 Q SO I'M GONNA MOVE THE CURSOR UP TO THE END
28 OF THE ALLEY NEAR 58TH PLACE.

1 IS THAT WHERE YOUR CAR WAS WHEN HE TOLD YOU
2 TO STOP?

3 A YES.

4 Q OKAY. NOW, AS BEST AS YOU CAN REMEMBER,
5 TAKE US THROUGH THE CONVERSATION. YOU'RE READY TO LEAVE.
6 YOU GET TO THAT LOCATION. HE SAYS STOP. WHAT HAPPENED
7 NEXT?

8 I WANT TO KNOW WHAT WAS SAID.

9 A HE WAS LIKE HE'LL BE BACK, DON'T GO
10 NOWHERE.

11 Q WAS HE SITTING IN YOUR CAR WHEN HE SAID
12 THAT?

13 A YES.

14 Q WAS HIS SHIRT ON OR OFF WHEN HE SAID THAT?

15 A IT WAS ON.

16 Q WHEN DID HE PUT THE SHIRT ON?

17 A WHEN WE WAS PARKED BY FAT BURGER.

18 Q OKAY. SO WHILE YOU WERE SITTING THERE AND
19 HE WAS EATING FRIES HE PUT ON THE SHIRT?

20 A RIGHT.

21 Q YOU DRIVE TO THAT LOCATION. HE ASKED YOU
22 TO STOP AND TOLD YOU TO WAIT THERE. HOW DID HE SAY IT?

23 TELL US SPECIFICALLY WHAT HE SAID TO YOU.

24 A HE WAS JUST LIKE, "I'LL BE RIGHT BACK.
25 DON'T LEAVE. DON'T" -- "DON'T GO NOWHERE. I'LL BE BACK."

26 Q DID HE GET OUT OF THE CAR AT THAT POINT?

27 A YES.

28 Q WHAT DID YOU SAY TO HIM WHEN HE TOLD YOU TO

1 STAY THERE, HE'LL BE BACK?

2 A I WAS JUST LIKE, "ALL RIGHT. HURRY UP."

3 Q WHAT CROSSED YOUR MIND ABOUT -- DIDN'T YOU
4 WONDER WHAT -- WHAT IS HE TALKING ABOUT, WHERE IS HE
5 GOING?

6 A NO. I JUST THOUGHT MAYBE HE PROBABLY WAS
7 GONNA GO GET SOMETHING OR WHATEVER, MAYBE HE FORGOT
8 SOMETHING OR WANTED TO BUY SOMETHING.

9 Q THAT'S WHAT YOU THOUGHT?

10 A YEAH.

11 MS. AENLLE-ROCHA: IS THAT A "YES"?

12 THE WITNESS: YES.

13 BY MR. MC KINNEY:

14 Q DID YOU SEE HIM WITH THE GUN AT ANY TIME
15 BETWEEN THE TIME YOU SAW HIM PUT IT AWAY THE FIRST TIME
16 AND THE TIME HE GOT OUT OF THE CAR AT THE END OF THE
17 ALLEY?

18 A NO.

19 Q WHEN HE GOT OUT OF THE CAR AND SAID, "WAIT
20 RIGHT HERE," DID YOU SEE HIM WITH THE GUN?

21 A NO.

22 Q AND IT'S YOUR TESTIMONY THAT YOU DIDN'T SAY
23 ANYTHING TO HIM LIKE, "WHERE ARE YOU GOING? I CAN DRIVE
24 YOU AROUND THERE IF YOU WANT"?

25 NOTHING LIKE THAT?

26 A NOTHING LIKE THAT.

27 Q WHEN HE SAID, "WAIT RIGHT HERE," HOW DID HE
28 SAY IT TO YOU?

1 WAS IT A NORMAL CONVERSATIONAL TONE OR WAS
2 IT A DEMAND OR A COMMAND? HOW DID HE SAY IT?

3 A IT WAS JUST REGULAR, LIKE, "WAIT RIGHT
4 HERE. DON'T GO NOWHERE." IT WAS JUST REGULAR.

5 Q DID THAT SEEM STRANGE TO YOU THAT HE WAS
6 ASKING YOU TO WAIT THERE?

7 A NO, 'CAUSE HE SAID THAT TO ME A TIME
8 BEFORE, TOLD ME LIKE WAIT SOMEWHERE AND DON'T GO NOWHERE.

9 Q DID ANYTHING UNUSUAL HAPPEN THAT OTHER
10 TIME?

11 A NO.

12 Q ALL RIGHT. ON THIS OCCASION AFTER HE SAID,
13 "DON'T GO ANYWHERE," WHAT DID YOU SEE HAPPEN NEXT?

14 A THAT'S WHEN I HEARD LIKE TWO GUNSHOTS AND
15 THEN A MAN WAS RUNNING.

16 Q LET ME STOP YOU THERE. WHEN HE SAID, "STAY
17 RIGHT HERE, DON'T MOVE," DID YOU SEE WHAT DIRECTION HE
18 WENT IN?

19 A YES.

20 Q WHAT DIRECTION DID HE GO IN?

21 A HE WENT IN THAT WAY BY THE ALLEY.

22 Q SO YOU LET HIM OUT HERE. DID YOU SEE HIM
23 GO TOWARD 58TH PLACE, TOWARD THE TOP OF THE IMAGE, OR DOWN
24 TOWARD SLAUSON THROUGH THE ALLEY?

25 MS. AENLLE-ROCHA: AND WHEN YOU SAID "HERE," YOUR
26 CURSOR WAS RIGHT UNDER THE "WEST 58TH PLACE" LABEL THAT'S
27 ON EXHIBIT 4.

28 MR. MC KINNEY: RIGHT.

1 THE WITNESS: RIGHT.

2 BY MR. MC KINNEY:

3 Q WHICH DIRECTION DID YOU SEE HIM GO?
4 USE THE STREETS TO TELL US WHICH DIRECTION
5 HE WALKED.

6 A 58TH PLACE GOING THIS WAY TOWARDS THE
7 ALLEY, TOWARDS SLAUSON WAY.

8 Q OKAY. SO HE GOT OUT WHILE YOU WERE AT 58TH
9 PLACE AND YOU SAW HIM WALK THROUGH THE ALLEY TOWARDS
10 SLAUSON, CORRECT?

11 A CORRECT.

12 Q SO I'M GONNA MOVE THE CURSOR. I'M MOVING
13 IT FROM TOP TO BOTTOM THROUGH THE ALLEY. IS THIS THE
14 DIRECTION YOU SAW HIM GO?

15 A YES.

16 Q AS HE WAS WALKING, WAS HE CARRYING
17 SOMETHING IN HIS HAND?

18 A FOOD. THE FOOD.

19 Q WAS IT THE SAME FOOD YOU SAW HIM GET FROM
20 MASTER BURGER?

21 A CORRECT.

22 Q THE SAME CHILI CHEESE FRIES?

23 A CORRECT.

24 MS. AENLLE-ROCHA: SO HE HAD THE CONTAINER THAT
25 THEY HAD BEEN IN, CORRECT?

26 THE WITNESS: CORRECT.

27 MS. AENLLE-ROCHA: DID YOU SEE HIM EAT ALL THE
28 FRIES?

1 THE WITNESS: HE JUST ATE A LITTLE BIT OF IT AND
2 THAT WAS IT.

3 MS. AENLLE-ROCHA: OKAY.

4 BY MR. MC KINNEY:

5 Q LET ME SHOW YOU GRAND JURY EXHIBIT NUMBER
6 20. IT'S LIKE A TYPICAL RESTAURANT STYROFOAM FOOD
7 CONTAINER. DO YOU SEE THAT?

8 A YES.

9 Q IS THAT THE KIND OF CONTAINER THAT YOU SAW
10 HIS FRIES IN?

11 A YES.

12 Q AS HE WAS WALKING THROUGH THE ALLEY BACK
13 TOWARDS SLAUSON, DID YOU SEE HIM DO SOMETHING WITH THAT
14 CONTAINER?

15 A YES.

16 Q WHAT DID YOU SEE HIM DO?

17 A HE PUT IT ON TOP -- I THINK IT WAS A TRUCK
18 IN THE ALLEY, LIKE A WHITE TRUCK PARKED. HE PUT IT ON TOP
19 OF THE HOOD.

20 Q AND AFTER HE DID THAT DID HE CONTINUE TO
21 WALK THROUGH THE ALLEY TOWARDS SLAUSON?

22 A YES.

23 Q AT SOME POINT DID YOU LOSE SIGHT OF HIM?

24 A YES.

25 Q AT WHAT POINT DID YOU LOSE SIGHT OF HIM?

26 A WHEN HE TURNED THE CORNER.

27 Q WHERE DID HE TURN? TOWARD WHAT DIRECTION?

28 A TURNED RIGHT THERE, LIKE RIGHT THERE WHERE

1 IT SAY, "ALLEY." HE TURNED RIGHT THERE.

2 Q OKAY. SO YOU SAID HE'S WALKING BACK
3 TOWARDS SLAUSON. AND THEN THERE'S A BUILDING HERE CALLED
4 "MASTER BURGER." DID HE TURN HERE?

5 A YES.

6 Q NEAR THE CORNER OF THE MASTER BURGER
7 BUILDING?

8 A YES.

9 Q AND THERE'S ONLY ONE WAY TO TURN THERE AND
10 THAT'S BACK INTO THE PARKING LOT WHERE NIPSEY WAS,
11 CORRECT?

12 A CORRECT.

13 Q WHAT HAPPENED NEXT?

14 A I WAS -- WHAT HAPPENED WITH ME? WHAT'S
15 THE --

16 Q WHAT WAS THE NEXT THING YOU EITHER HEARD OR
17 SAW AFTER HE TURNED INTO THAT MASTER BURGER -- THE CORNER
18 OF THE MASTER BURGER?

19 A I DIDN'T HEAR NOTHING RIGHT AWAY. I JUST
20 GOT ON MY PHONE FOR A LITTLE BIT AND THEN THAT'S WHEN I
21 HEARD -- LIKE ONCE I GOT ON MY PHONE, I HEARD LIKE TWO
22 SHOTS.

23 Q WHEN YOU SAY YOU GOT ON YOUR PHONE, WHAT
24 DOES THAT MEAN?

25 A LIKE I JUST WAS GETTING ON THERE TO TRY TO
26 LIKE DO SOMETHING, YOU KNOW, KEEP MYSELF OCCUPIED.

27 Q OKAY. SO WERE YOU GOING ON SOCIAL MEDIA,
28 WERE YOU CALLING SOMEONE, WERE YOU TEXTING SOMEONE? WHAT?

1 A GOING ON SOCIAL MEDIA.

2 Q OKAY. SO YOU'RE SITTING THERE WAITING FOR
3 HIM. YOU SEE HIM TURN. AND THEN A FEW -- SOMETIME LATER,
4 YOU TELL ME ABOUT HOW MANY SECONDS OR MINUTES, YOU HEARD
5 SHOTS?

6 A IT WOULD BE LIKE --

7 Q IS THAT CORRECT?

8 A YES, THAT'S CORRECT.

9 Q WHAT WAS THE TIME AFTER YOU SAW HIM TURN TO
10 THE TIME YOU HEARD SHOTS?

11 APPROXIMATELY HOW LONG WOULD YOU SAY?

12 A MAYBE -- LIKE FOUR SECONDS MAYBE OR
13 SOMETHING. LIKE FOUR SECONDS.

14 Q SO IT WAS QUICK?

15 A YEAH, IT WAS QUICK.

16 Q OKAY. WHAT CROSSED YOUR MIND WHEN YOU
17 HEARD THOSE SHOTS?

18 A I WAS JUST LIKE OH, MY GOD, LIKE WHAT'S
19 GOING ON, YOU KNOW, I HOPE YOU'RE OKAY, YOU NEED TO HURRY
20 UP, YOU KNOW, LIKE THAT.

21 Q HOW MANY SHOTS DID YOU HEAR?

22 A TWO.

23 Q WERE YOU AFRAID WHEN YOU HEARD THE SHOTS?

24 A YES.

25 Q WAS YOUR CAR STILL RUNNING?

26 A YES.

27 Q WERE YOUR DOORS ALL CLOSED?

28 A YES.

1 Q AFTER YOU HEARD THE SHOTS, DID YOU SEE ANY
2 PEOPLE RUNNING FROM THE AREA OF THE PLAZA?

3 A YES.

4 Q DID YOU MOVE YOUR CAR AFTER HEARING THE
5 SHOTS?

6 A YES.

7 Q HOW DID YOU MOVE IT?

8 A I MOVED IT -- WHEN I CAME OUT OF WEST 58TH
9 PLACE, IT WAS SOME CARS PARKED ON THE STREET AND I PARKED
10 NEXT TO THE -- NEXT TO ONE OF THE CARS.

11 Q SO DID YOU MOVE YOUR CAR FROM WHERE IT WAS
12 STOPPED IN THE ALLEY OUT ONTO WEST 58TH PLACE?

13 A YES.

14 Q OKAY. WHY DID YOU DO THAT?

15 A BECAUSE I HEARD THE GUNSHOT. MY FIRST
16 INSTINCT WAS LIKE LET ME GET OUT OF HERE.

17 Q THAT WAS YOUR FIRST INSTINCT?

18 A YES.

19 Q WHY DIDN'T YOU GET OUT OF THERE?

20 WHY DIDN'T YOU TURN ONTO WEST 58TH PLACE
21 AND KEEP GOING?

22 A BECAUSE I WAS WAITING ON HIM. I DIDN'T
23 KNOW LIKE IF HE GOT HURT OR SOMETHING HAPPENED. I DIDN'T
24 KNOW SO I WAITED ON HIM.

25 Q DID IT CROSS YOUR MIND THAT THE GUNSHOTS
26 YOU HEARD WERE FIRED BY HIM?

27 A NO.

28 Q THAT NEVER CROSSED YOUR MIND?

1 A NO.

2 Q SO YOU PULLED OUT A LITTLE BIT BECAUSE YOUR
3 FIRST INSTINCT IS TO LEAVE, BUT YOU DIDN'T LEAVE. YOU
4 STOPPED ON WEST 58TH PLACE, CORRECT?

5 A CORRECT.

6 Q WHAT HAPPENED NEXT?

7 A HE -- THEN I SEEN HIM COMING AND STUFF,
8 COMING TOWARDS THE ALLEYWAY. HE GOT IN THE CAR. I ASKED
9 HIM, "WHAT'S GOING ON? WHAT'S GOING ON?" HE'S LIKE,
10 "DRIVE, DRIVE, BEFORE I SLAP YOU," OR WHATEVER. AND I WAS
11 LIKE, "WHAT'S GOING ON?" AND HE WAS LIKE, "JUST DRIVE.
12 YOU TALK TOO MUCH."

13 Q OKAY. WAS HE EXCITED WHEN HE SAID THAT?

14 A WHAT YOU MEAN LIKE EXCITED?

15 Q LIKE HIS DEMEANOR, HIS ATTITUDE, THE TONE
16 OF HIS VOICE. WAS IT CONVERSATIONAL, LIKE NORMAL, OR WAS
17 IT MORE AGGRESSIVE AND MORE ANIMATED?

18 DO YOU KNOW WHAT THAT MEANS?

19 A NO.

20 Q OKAY. RIGHT NOW WE'RE HAVING A
21 CONVERSATION, RIGHT?

22 A RIGHT.

23 Q NORMAL TONE OF VOICE?

24 A YES.

25 Q WAS -- WHEN HE GOT BACK IN THE CAR, DID HE
26 JUST GET BACK IN AND SAY, "DRIVE, DRIVE"?

27 A NO.

28 Q OKAY. HOW DID HE SAY IT?

1 A IT WAS LIKE MORE ATTITUDE, LIKE SOMETHING I
2 NEVER SEEN BEFORE, LIKE AN ATTITUDE. MAYBE I'LL SAY IT'S
3 AN ATTITUDE BECAUSE -- HE NEVER TALKED TO ME LIKE THAT.

4 Q DID HE -- DID HE SEEM RUSHED WHEN HE SAID
5 IT?

6 A YEAH.

7 Q OKAY. WAS HE --

8 MS. AENLLE-ROCHA: WAS THAT A "YES"?

9 THE WITNESS: YES.

10 BY MR. MC KINNEY:

11 Q WAS HE OUT OF BREATH WHEN HE WAS SAYING IT?

12 A NO.

13 Q WAS HE LOUD WHEN HE SAID IT?

14 A YES.

15 Q WHEN HE SAID, "DRIVE, DRIVE, I'LL SLAP
16 YOU," WHAT DID YOU THINK? HOW DID YOU FEEL WHEN HE SAID
17 THAT?

18 A I JUST FELT LIKE WHAT'S GOING ON, WHY IS HE
19 TALKING TO ME LIKE THIS, YOU KNOW. SO I JUST KEPT DRIVING
20 BECAUSE I DIDN'T WANT HIM TO HIT ME OR NOTHING LIKE THAT.

21 Q WERE YOU CONCERNED THAT HE MIGHT HIT YOU?

22 A YES.

23 Q WHEN HE CAME BACK TO THE CAR, DID YOU SEE A
24 GUN IN HIS HAND?

25 A NO, TILL AFTER WHEN HE GOT IN THE CAR AND I
26 WAS DRIVING. THAT'S WHEN I SAW IT. I DIDN'T SEE IT LIKE
27 RIGHT THERE WHEN HE GOT IN THE CAR.

28 Q OKAY. WELL, AT SOME POINT WHEN HE'S IN THE

1 CAR AND HE'S SAYING "DRIVE" DID YOU SEE A GUN?

2 A YES.

3 Q WHAT GUN DID YOU SEE?

4 A THE PISTOL ON THE SIDE.

5 Q OKAY. THE PISTOL MEANING THE REVOLVER?

6 A RIGHT.

7 Q WHEN I SHOWED YOU THE EARLIER EXHIBIT, IT
8 WOULD BE THE SMALLER GUN WITH THE CYLINDER IN THE MIDDLE,
9 CORRECT?

10 A CORRECT.

11 Q WAS THAT THE FIRST TIME THAT DAY THAT YOU
12 SAW THAT GUN?

13 A YES.

14 Q SO NOW ON THAT DAY, THE 31ST, AT THAT POINT
15 YOU'VE SEEN HIM WITH TWO DIFFERENT GUNS, CORRECT?

16 A CORRECT.

17 Q THE BLACK SEMIAUTOMATIC WHICH YOU CALLED A
18 NINE AND NOW THE SMALLER REVOLVER PISTOL?

19 A YES.

20 Q WHEN HE GOT BACK IN THE CAR, DID YOU SEE
21 THE BLACK GUN?

22 A YES.

23 Q YOU SAW BOTH OF THEM?

24 A YES.

25 Q DID HE HAVE ONE GUN IN EACH HAND WHEN HE
26 GOT BACK IN THE CAR?

27 A I CAN'T REALLY TELL. I KNOW THE -- HE HAD
28 THE REVOLVER ON LIKE THE SIDE OF HIM LIKE HE DIDN'T WANT

1 ME TO SEE IT, AND THEN LIKE WHEN WE WAS DRIVING -- AS I
2 WAS DRIVING, I SEEN HIM PUT THE BLACK GUN IN A BAG, WHAT
3 THE FOOD CAME IN.

4 Q OKAY.

5 MS. AENLLE-ROCHA: MADAM FOREPERSON, WE'RE GOING TO
6 INTERRUPT THE TESTIMONY OF WITNESS #1 TO GET ANOTHER
7 WITNESS ON. WOULD YOU PLEASE REMIND THE WITNESS OF THE
8 ADMONITION.

9
10 (PAUSE IN PROCEEDINGS.)

11
12 MS. AENLLE-ROCHA: OKAY. AND PARDON ME. I WAS
13 JUST SPEAKING WITH MR. MC KINNEY.

14 MS., IT SEEMS THAT YOU'RE GOING TO HAVE TO
15 COME BACK TOMORROW. WE HAVEN'T FINISHED WITH YOU.
16 MR. MC KINNEY IS UNABLE TO DO THAT AT THIS TIME SO I VERY
17 MUCH APOLOGIZE FOR YOU HAVING TO COME BACK FOR THE THIRD
18 DAY, BUT WE WEREN'T ABLE TO FINISH. THERE WAS JUST SO
19 MUCH WE WEREN'T ABLE TO FINISH.

20 SO WE'RE GOING TO ADMONISH YOU AND THEN
21 ORDER YOU TO RETURN TOMORROW MORNING AT 8:30 SO WE CAN
22 START RIGHT AT 9:00. OKAY?

23 THE WITNESS: OKAY.

24 MS. AENLLE-ROCHA: THANK YOU SO MUCH FOR
25 UNDERSTANDING.

26 MADAM FOREPERSON?

27 THE FOREPERSON: YOU WILL RECALL THAT YOU HAVE
28 PREVIOUSLY BEEN ADMONISHED REGARDING THE SECRECY OF THESE

1 PROCEEDINGS AND MUST HEED THAT ADMONISHMENT.

2 THE WITNESS: YES.

3 MS. AENLLE-ROCHA: AND AS YOU REMEMBER, YOU CAN
4 SPEAK WITH YOUR LAWYER, --

5 THE WITNESS: YES.

6 MS. AENLLE-ROCHA: -- MR. BRENNER.

7 THANK YOU VERY MUCH FOR UNDERSTANDING. WE
8 WILL SEE YOU TOMORROW MORNING STARTING RIGHT AT
9 NINE O'CLOCK. OKAY?

10 THE WITNESS: OKAY.

11 MS. AENLLE-ROCHA: THANK YOU SO MUCH. HAVE A GOOD
12 EVENING.

13 THE WITNESS: THANK YOU.

14

15 (THE WITNESS EXITED THE GRAND JURY
16 HEARING ROOM.)

17

18 MS. AENLLE-ROCHA: AND DO YOU HAVE THE NAME OF THE
19 MEDICAL EXAMINER?

20 MR. MC KINNEY: YES, DR. LAWRENCE NGUYEN.

21 MS. AENLLE-ROCHA: DR. LAWRENCE NGUYEN.

22 IF THE SERGEANT-AT-ARMS WILL CALL FOR
23 DR. LAWRENCE NGUYEN, PLEASE.

24 AND I'D ALSO LIKE TO ASK GRAND JURORS IF
25 THERE'S ANY REASON WHY YOU CAN'T REMAIN FAIR AND IMPARTIAL
26 WITHOUT PREJUDICE TO THE RIGHTS OF ANY OF THE PARTIES,
27 BECAUSE THIS WITNESS IS GOING TO TESTIFY WHO PREVIOUSLY
28 WAS NOT ON OUR WITNESS LIST, PLEASE RAISE YOUR HANDS.

1 MADAM FOREPERSON, IF YOU WOULD ADVISE ME IF
2 YOU SEE ANY HANDS, PLEASE.

3 OFF THE RECORD.

4
5 (PAUSE IN PROCEEDINGS.)

6
7 (THE WITNESS ENTERED THE GRAND JURY
8 HEARING ROOM.)

9
10 MS. AENLLE-ROCHA: BACK ON THE RECORD.

11 I WILL REPEAT MY QUESTION.

12 IF THERE IS ANYONE WHO CAN'T REMAIN FAIR
13 AND IMPARTIAL WITH REGARDS TO THE RIGHTS OF ALL THE
14 PARTIES IN THIS HEARING BECAUSE OF THE INCLUSION OF THIS
15 WITNESS WHO PREVIOUSLY WAS NOT LISTED ON THE WITNESS LIST,
16 PLEASE RAISE YOUR HAND.

17 MADAM FOREPERSON, DO YOU SEE ANY HANDS?

18 THE FOREPERSON: THERE ARE NO HANDS RAISED.

19 MS. AENLLE-ROCHA: THANK YOU VERY MUCH.

20 WOULD THE WITNESS PLEASE RAISE YOUR RIGHT
21 HAND AND FACE THE FOREPERSON WHO WILL SWEAR YOU IN.

22
23
24 LAWRENCE NGUYEN,
25 CALLED AS A WITNESS BEFORE THE GRAND JURY
26 OF THE COUNTY OF LOS ANGELES, WAS SWORN
27 AND TESTIFIED AS FOLLOWS:

28 //

1 THE FOREPERSON: DO YOU SOLEMNLY STATE THAT THE
2 EVIDENCE YOU SHALL GIVE IN THIS MATTER NOW PENDING BEFORE
3 THE GRAND JURY OF THE COUNTY OF LOS ANGELES SHALL BE THE
4 TRUTH, THE WHOLE TRUTH, AND NOTHING BUT THE TRUTH, SO HELP
5 YOU GOD?

6 THE WITNESS: I DO.

7 MS. AENLLE-ROCHA: THANK YOU SO MUCH, DOCTOR. GO
8 AHEAD AND TAKE THAT SEAT.

9 AND ADJUST THAT MICROPHONE, PLEASE, SO YOU
10 CAN SPEAK RIGHT INTO THAT MICROPHONE.

11 DID YOU LEAVE YOUR CELL PHONE OUTSIDE AND
12 YOU HAVE NO RECORDING DEVICES ON YOU, CORRECT?

13 THE WITNESS: YES.

14 MS. AENLLE-ROCHA: THANK YOU.

15 PLEASE STATE YOUR FULL NAME AND THEN SPELL
16 YOUR FULL NAME FOR THE RECORD.

17 THE WITNESS: MY NAME IS LAWRENCE NGUYEN,
18 L-A-W-R-E-N-C-E, N-G-U-Y-E-N.

19 MS. AENLLE-ROCHA: THANK YOU, DOCTOR.

20 MADAM FOREPERSON, MAY MR. MC KINNEY
21 PROCEED?

22 THE FOREPERSON: YES.

23 MS. AENLLE-ROCHA: AND, DOCTOR, WE NEED TO FINISH
24 BY 3:30.

25 THE WITNESS: OKAY.

26 MS. AENLLE-ROCHA: OKAY?

27 GO AHEAD, MR. MC KINNEY.

28 //

EXAMINATION

BY MR. MC KINNEY:

Q GOOD AFTERNOON, DOCTOR.

A HI.

Q CAN YOU TELL US YOUR OCCUPATION?

A YES. I'M A DEPUTY MEDICAL EXAMINER FOR THE
COUNTY OF LOS ANGELES.

Q HOW LONG HAVE YOU WORKED AS A MEDICAL
EXAMINER?

A I'VE BEEN A MEDICAL EXAMINER FOR NINE
YEARS.

Q HOW LONG HAVE YOU WORKED AS A MEDICAL
EXAMINER FOR LOS ANGELES COUNTY?

A I'VE BEEN A MEDICAL EXAMINER FOR
LOS ANGELES COUNTY FOR FIVE YEARS.

Q CAN YOU TELL US WHAT BACKGROUND, TRAINING
AND EXPERIENCE YOU HAVE THAT QUALIFIES YOU FOR YOUR JOB AS
A DEPUTY MEDICAL EXAMINER?

A YES. SO I HAVE COMPLETED SIGNIFICANT
EDUCATION. I STARTED MY EDUCATION AT THE UNIVERSITY OF
CALIFORNIA AT BERKELEY FOR UNDERGRADUATE DEGREE. AFTER
THAT I WENT TO GEORGETOWN UNIVERSITY TO RECEIVE A MASTER'S
IN PHYSIOLOGY. SUBSEQUENT TO THAT I WENT TO THE OHIO
STATE UNIVERSITY FOR MEDICAL SCHOOL. AFTER THAT I
COMPLETED RESIDENCY IN PATHOLOGY AT THE UNIVERSITY OF
SOUTHERN CALIFORNIA AND THEN I COMPLETED A FELLOWSHIP AT
THE L.A. COUNTY CORONER'S OFFICE.

1 Q WHAT ARE YOUR DUTIES AS A DEPUTY MEDICAL
2 EXAMINER GENERALLY?

3 A GENERALLY, WE CONDUCT AUTOPSIES TO
4 DETERMINE CAUSE AND MANNER OF DEATH.

5 Q OKAY. AND BEFORE I ASK YOU WHAT AN AUTOPSY
6 IS, CAN YOU TELL US APPROXIMATELY HOW MANY AUTOPSIES
7 YOU'VE CONDUCTED?

8 A PERSONALLY, I'VE DONE OVER 2,000.

9 Q OKAY. AND OF THAT 2,000 HAVE YOU EVER DONE
10 ANY AUTOPSIES INVOLVING GUNSHOT WOUND VICTIMS?

11 A YES.

12 Q APPROXIMATELY HOW MANY?

13 A I WOULD SAY HUNDREDS.

14 Q OKAY. CAN YOU TELL US WHAT'S INVOLVED IN
15 AN AUTOPSY GENERALLY? WHAT IS THAT?

16 A YES. SO AN AUTOPSY IS A POSTMORTEM
17 EXAMINATION OF THE BODY THAT IS AN EXTERNAL EXAMINATION AS
18 WELL AS AN INTERNAL EXAMINATION. THE INTERNAL EXAMINATION
19 INCLUDES EXAMINATION OF THE ORGANS AS WELL AS COLLECTING
20 OF TISSUES FOR SUBSEQUENT TESTING; FOR EXAMPLE, TOXICOLOGY
21 TESTING. AND THEN AT THE END OF THE AUTOPSY WE WOULD
22 PREPARE AN AUTOPSY REPORT.

23 Q OKAY. WAS AN AUTOPSY PERFORMED ON AN
24 ERMIAJ JOSEPH ASGHEDOM ON APRIL 1ST, 2019?

25 A YES.

26 Q WHO PERFORMED THAT AUTOPSY?

27 A THE DOCTOR WHO PERFORMED IT IS DR. DUTRA.

28 Q ARE YOU FAMILIAR WITH DR. DUTRA?

1 A YES. HE IS A COLLEAGUE OF MINE.

2 Q COLLEAGUE OF YOURS MEANING HE WORKS AT --
3 FOR THE LOS ANGELES COUNTY MEDICAL EXAMINER?

4 A YES.

5 Q APPROXIMATELY HOW LONG HAVE THE TWO OF YOU
6 BEEN COLLEAGUES?

7 A FOR A FEW YEARS.

8 Q WHEN -- WHEN A DEPUTY MEDICAL EXAMINER WHO
9 PERFORMED AN AUTOPSY IS NOT AVAILABLE, DOES THE COUNTY
10 CORONER SEND OTHER DOCTORS OR PREPARE OTHER DOCTORS TO
11 LOOK AT REPORTS, PHOTOGRAPHS, X-RAYS, OR OTHER INFORMATION
12 TO SEE IF THE NEW DOCTOR CAN FORM AN OPINION AS TO WHAT
13 CAUSED THE PERSON'S DEATH?

14 A YES.

15 Q IS THAT COMMON?

16 A THAT IS A COMMON PRACTICE, YES.

17 Q DID YOU DO THAT IN THIS CASE?

18 A I DID.

19 Q TELL US WHAT YOU DID.

20 A IN THIS CASE I DID REVIEW DR. DUTRA'S
21 AUTOPSY REPORT. I REVIEWED X-RAYS ON THE CASE AS WELL AS
22 PHOTOGRAPHS AND I REVIEWED THE INVESTIGATIVE INFORMATION
23 AS WELL.

24 Q OKAY. AFTER REVIEWING ALL OF THAT
25 INFORMATION, WERE YOU ABLE TO FORM YOUR OWN INDEPENDENT
26 OPINION AS TO WHAT CAUSED MR. ASGHEDOM'S DEATH?

27 A YES.

28 Q WHAT IS THAT OPINION?

1 A MY OPINION TO HIS CAUSE OF DEATH IS
2 MULTIPLE GUNSHOT WOUNDS AND THE MANNER OF DEATH IS
3 HOMICIDE.

4 Q OKAY. AT THIS TIME I WANT TO SHOW YOU --
5 BEFORE I DO THAT, LET ME ASK YOU JUST TO STATE WHAT THAT
6 OPINION IS BASED ON.

7 A AGAIN, THAT OPINION'S BASED ON MY REVIEW OF
8 THE AUTOPSY REPORT, THE INVESTIGATIVE INFORMATION,
9 PHOTOGRAPHS, AND X-RAYS PERTINENT TO THIS CASE.

10 Q ALL RIGHT.

11 NOW, LET ME SHOW YOU THIS EXHIBIT. THIS
12 WILL BE GRAND JURY EXHIBIT NUMBER 35. ACTUALLY, BEFORE I
13 SHOW YOU 35, I WANT TO SHOW YOU 34 BECAUSE I WANT TO MAKE
14 SURE THAT THE AUTOPSY THAT YOU REVIEWED TO FORM YOUR OWN
15 OPINION INVOLVES THE SAME PERSON WHO WAS THE VICTIM IN
16 THIS CASE. OKAY?

17 A YES.

18 Q SO LET ME SHOW YOU GRAND JURY EXHIBIT
19 NUMBER 34. DO YOU RECOGNIZE WHAT'S SHOWN IN THIS EXHIBIT?

20 A I DO.

21 Q WHAT DOES THIS EXHIBIT SHOW?

22 A THIS EXHIBIT SHOWS THE DECEDENT. YOU CAN
23 SEE HIS FACE IN THE PHOTOGRAPH. AND THERE ARE A NUMBER OF
24 PLACARDS AND IDENTIFYING NUMBERS AT THE BOTTOM WHICH
25 INDICATES THE CORONER'S CASE NUMBER FOR THIS CASE.

26 Q OKAY. DOES THE CORONER ISSUE A UNIQUE CASE
27 NUMBER FOR EACH AND EVERY AUTOPSY THAT THE CORONER
28 CONDUCTS?

1 A YES.

2 Q AND IS THAT CASE NUMBER SHOWN IN THIS
3 EXHIBIT?

4 A YES.

5 Q CAN YOU TELL US WHAT IT IS?

6 A THE CASE NUMBER IS 2019-02546.

7 Q AND DOES THE 2019 INDICATE THE YEAR OF THE
8 AUTOPSY?

9 A YES.

10 Q AND THEN THE SEQUENTIAL NUMBER AFTER THAT,
11 DOES THAT MEAN THAT THIS WAS THE 2,546TH CASE OPENED BY
12 THE CORONER IN 2019?

13 A YES.

14 Q AND THEN EACH YEAR THAT NUMBER STARTS ALL
15 OVER AGAIN, CORRECT?

16 A CORRECT.

17 Q YOU -- DID YOU LOOK AT A NUMBER OF
18 PHOTOGRAPHS OF THE DECEDENT?

19 A YES.

20 Q DID THOSE PHOTOGRAPHS SHOW INDIVIDUAL
21 WOUNDS?

22 A THEY DID.

23 Q I'M NOT GONNA SHOW ANY OF THOSE PHOTOGRAPHS
24 THIS AFTERNOON, BUT I DO WANT TO SHOW YOU FORM 20 WHICH
25 SHOWS AN ANATOMICAL DIAGRAM, FRONT AND BACK, OF A PERSON.
26 DO YOU RECOGNIZE THIS EXHIBIT?

27 A I DO.

28 Q WAS THIS -- I'M SORRY. THIS IS GRAND JURY

1 EXHIBIT NUMBER 35 SHOWING CORONER'S DIAGRAM FORM 20, WHICH
2 IS A COMMON FORM USED BY THE CORONER, CORRECT?

3 A YES.

4 Q WAS THIS PARTICULAR DIAGRAM USED AND
5 WRITTEN BY DR. DUTRA?

6 A IT WAS.

7 Q AND THERE'S SOME NOTES WRITTEN ON THIS
8 DIAGRAM, CORRECT?

9 A YES.

10 Q YOU SAID YOU REVIEWED THOSE AND YOU
11 CONSIDERED THOSE IN FORMING YOUR OWN OPINION; IS THAT
12 CORRECT?

13 A YES.

14 Q OKAY. SO BECAUSE WE'RE TALKING ABOUT YOUR
15 OWN OPINION, WE'RE NOT THAT CONCERNED WITH THE NOTES
16 WRITTEN ON THIS DIAGRAM BY DR. DUTRA. OKAY?

17 A YES.

18 Q CAN YOU WALK US THROUGH THE INJURIES THAT
19 MR. ASGHEDOM SUFFERED THAT LED TO YOUR OPINION THAT HE
20 DIED AS A RESULT OF MULTIPLE GUNSHOT WOUNDS?

21 A YES.

22 Q I WANT TO GIVE YOU THIS POINTER. TOP
23 BUTTON AND THEN -- YOU DON'T HAVE TO POINT IT AT THE
24 SCREEN. YOU CAN FRANKLY POINT IT ANYWHERE. YOU'LL SEE
25 THE CURSOR COME UP AND THEN YOU CAN MOVE IT AS NEEDED.

26 A OKAY.

27 Q YOU DON'T HAVE TO POINT AT THE BIG SCREEN.

28 A OH, RIGHT. I'M JUST TRYING TO PRACTICE.

1 Q OKAY. YOU GET A FEEL FOR IT. IT'S REALLY
2 WORKING OFF MY COMPUTER, SO...

3 A OKAY. SO WOULD YOU LIKE ME TO GO THROUGH
4 EACH OF THE WOUNDS?

5 Q YES. SO WHEN A PERSON SUFFERS MULTIPLE
6 WOUNDS, IT IS COMMON FOR MEDICAL EXAMINERS TO LABEL THE
7 WOUNDS IN A SEQUENTIAL ORDER, SUCH AS GUNSHOT WOUND 1,
8 GUNSHOT WOUND 2; IS THAT TRUE?

9 A YES.

10 Q AND THOSE NUMBERS DON'T CORRESPOND TO WHEN
11 THE INJURY WAS SUFFERED OR INFLICTED, IT'S JUST A WAY OF
12 IDENTIFYING AN INJURY, CORRECT?

13 A CORRECT.

14 Q LET ME ASK YOU BROADLY, HOW MANY SEPARATE
15 GUNSHOT WOUNDS DID MR. ASGHEDOM SUFFER?

16 A HE SUFFERED 11 TOTAL GUNSHOT WOUNDS.

17 Q OKAY. AND DOES THAT MEAN THAT 11 DIFFERENT
18 PROJECTILES STRUCK HIS BODY?

19 A NOT NECESSARILY. IN SOME CASES A GUN -- A
20 BULLET WILL PASS THROUGH ONE PART OF THE BODY, EXIT, AND
21 THEN REENTER THE BODY IN A DIFFERENT LOCATION. EVEN
22 THOUGH THOSE WOULD BE TWO SEPARATE GUNSHOT WOUNDS, THEY
23 COULD BE FROM THE SAME BULLET.

24 Q IN YOUR OPINION IN THIS CASE -- OR DO YOU
25 HAVE AN OPINION WHETHER OR NOT THE 11 WOUNDS THAT YOU
26 NOTED WERE INFLICTED BY 11 DIFFERENT PROJECTILES OR NOT?

27 A I THINK IT'S POSSIBLE FOR THEM TO BE
28 INFLICTED BY 11 PROJECTILES. HOWEVER, THERE IS ONE

1 PARTICULAR INJURY THAT IS IN A LOCATION WHERE IT'S
2 POSSIBLE TO HAVE ALSO REENTERED THE BODY, BUT I CANNOT BE
3 SURE ABOUT THAT.

4 Q OKAY. IS IT CORRECT TO SAY THAT YOUR
5 OPINION IS HE SUFFERED AT LEAST 10 SEPARATE GUNSHOT WOUNDS
6 WITH ONE POSSIBLE WOUND BEING THE RESULT OF A BULLET THAT
7 STRUCK ONE LOCATION ON HIS BODY AND THEN GRAZED ANOTHER?

8 A YES.

9 Q SO WE'RE LOOKING AT 10 SEPARATE GUNSHOT
10 WOUNDS?

11 A AT LEAST.

12 Q ALL RIGHT. CAN YOU WALK US THROUGH THEM
13 QUICKLY?

14 A YES.

15 SO THE FIRST ONE WOULD BE GUNSHOT WOUND
16 #1. THAT ONE IS ACTUALLY DIAGRAMED ON A SEPARATE DIAGRAM
17 TO THE HEAD. TO TALK ABOUT THAT GUNSHOT WOUND, THAT WAS A
18 GUNSHOT WOUND THAT ONLY WENT THROUGH THE SCALP AND DID NOT
19 ENTER INTO THE SKULL OR THE BRAIN.

20 Q LET'S SHOW THAT NOW SINCE YOU'RE TALKING
21 ABOUT GUNSHOT WOUND 1.

22 A SURE.

23 Q I'M SHOWING YOU GRAND JURY EXHIBIT NUMBER
24 36, CORONER'S DIAGRAM NUMBER 22, GUNSHOT WOUND #1.

25 A YES.

26 Q OKAY. SO THE ENTRANCE WOUND WAS TO THE
27 POSTERIOR TOP OF THE SCALP RIGHT THERE AND EXITED TO THE
28 LEFT SIDE OF THERE. AGAIN, IT DID NOT PENETRATE INTO THE

1 SKULL OR THE BRAIN.

2 AND IF I CAN GO TO THE NEXT ONE --

3 MS. AENLLE-ROCHA: LET ME ASK YOU A QUESTION. WHEN
4 YOU'RE COUNTING THE GUNSHOT WOUNDS, YOU'RE ONLY COUNTING
5 WHEN THE BULLET GOES IN, NOT WHEN THE BULLET GOES OUT?

6 THE WITNESS: WELL, IF THEY ARE CONNECTED PATHWAY
7 WHERE IT GOES IN AND OUT, THEY WOULD BE CONTIGUOUS. SO
8 THAT WOULD BE THE HOLE OF THE GUNSHOT WOUND.

9 MS. AENLLE-ROCHA: I SEE. THANK YOU.

10 GO AHEAD.

11 BY MR. MC KINNEY:

12 Q SO ALTHOUGH THERE'S TWO HOLES TO THE HEAD,
13 YOU'RE COUNTING THIS AS ONE GUNSHOT WOUND?

14 A CORRECT. AND THEN WHEN IT'S LABELED, IT
15 WOULD BE GUNSHOT WOUND 1 ENTRANCE, GUNSHOT WOUND 1 EXIT.

16 Q GOING BACK TO GRAND JURY EXHIBIT NUMBER 35.

17 A OKAY. SO GUNSHOT #2 ENTERED AT THE LEFT
18 ARMPIT REGION HERE AND EXITED THE BACK OF THE SHOULDER
19 THERE. THAT WOUND DID FRACTURE THE UPPER PORTION OF THE
20 ARM BONE BUT DID NOT GO INTERNALLY INTO INTERNAL ORGANS.

21 GUNSHOT WOUND #3, IT'S A LITTLE OBSCURED BY
22 THE WORDS HERE, BUT YOU CAN SEE A HOLE BETWEEN THE WORD
23 "USE" AND "ONLY." SO THAT'S A GUNSHOT WOUND ENTRANCE TO
24 THE BACK -- THE RIGHT SIDE OF THE BACK THAT PENETRATED
25 INTO THE CHEST AND STRUCK THE LUNG.

26 GUNSHOT WOUND #4 ENTERED AT THE LOWER
27 CHEST. THAT WOUND -- I'M TRYING TO REFRESH MY MEMORY.

28 IS IT OKAY IF I REFER TO THE AUTOPSY

1 REPORT?

2 MS. AENLLE-ROCHA: IF THAT WILL ASSIST YOU IN
3 REFRESHING YOUR RECOLLECTION?

4 THE WITNESS: YES.

5 MS. AENLLE-ROCHA: MADAM FOREPERSON, WITH YOUR
6 PERMISSION. YES?

7 THE FOREPERSON: YES.

8 MS. AENLLE-ROCHA: THANK YOU.

9

10 (PAUSE IN PROCEEDINGS.)

11

12 THE WITNESS: SO TO REPEAT, GUNSHOT WOUND #4
13 ENTERED THE RIGHT PART OF THE CHEST. IT ENTERED INTO THE
14 CHEST CAVITY PUNCTURING THE LUNG AGAIN AND IT EXITED THE
15 RIGHT BACK OF THE RIGHT SHOULDER. I'M SORRY, THAT SIDE.
16 THE BACK OF THE RIGHT SHOULDER.

17 GUNSHOT WOUND #5, THIS ONE ENTERED THE
18 ABDOMEN RIGHT THERE. THAT WOUND ENTERED INTO THE BODY.
19 IT PERFORATED THE LIVER. IT ALSO INJURED THE RIGHT LUNG
20 AND IT LODGED INTO HIS SPINE SEVERING HIS SPINAL CORD.

21 MS. AENLLE-ROCHA: AND THAT ENTRANCE OF THAT BULLET
22 IS RIGHT NEAR HIS BELLY BUTTON, CORRECT?

23 THE WITNESS: YES. IT'S TO THE UPPER LEFT PART OF
24 HIS BELLY BUTTON IN THE PHOTOGRAPH.

25 MS. AENLLE-ROCHA: THANK YOU, DOCTOR.

26 YOU'RE ON NUMBER 6?

27 THE WITNESS: GUNSHOT WOUND #6 -- GUNSHOT WOUND #6
28 ENTERED THE RIGHT THIGH RIGHT THERE. THAT ONE ENTERED

1 INTO HIS PELVIC REGION AND STOPPED IN THE REGION THERE. A
2 BULLET WAS RECOVERED.

3 GUNSHOT WOUND #7 ENTERED THE LEFT SIDE OF
4 THE THIGH. THAT ALSO PROCEEDED TO THE PELVIS AND A BULLET
5 WAS RECOVERED.

6 GUNSHOT WOUND # -- I BELIEVE I'M AT #8.

7 MR. MC KINNEY: YES.

8 MS. AENLLE-ROCHA: YES.

9 THE WITNESS: THAT GUNSHOT WOUND ENTERED THE
10 LATERAL OR THE OUTSIDE PART OF THE RIGHT THIGH AND THAT
11 ENDED UP ALSO IN THE PELVIS AND A BULLET WAS RECOVERED.

12 GUNSHOT WOUND #10 -- I'M SORRY, #9 --

13 MS. AENLLE-ROCHA: NINE.

14 THE WITNESS: SORRY.

15 GUNSHOT WOUND #9, YOU CAN SEE THE DIAGRAM
16 HERE SHOWING SEVERAL LINES GOING UP TOWARD THE RIGHT
17 BUTTOCK. THIS IS CONSIDERED A GRAZE WOUND AND THERE WERE
18 MULTIPLE WOUNDS ON THE SKIN. SO IT TRAVELED IN A VERY
19 TANGENTIAL MANNER GRAZING THE SKIN AT MULTIPLE LOCATIONS
20 FINALLY EXITING AT THE RIGHT BUTTOCK.

21 AND THEN WE'RE NOW AT GUNSHOT WOUND #10.
22 SO GUNSHOT WOUND #10 ENTERED HIS RIGHT FOOT ON THE OUTSIDE
23 OF HIS BIG TOE THERE AND THE BULLET LODGED WITHIN THE
24 RIGHT HEEL.

25 GUNSHOT WOUND # --

26 MS. AENLLE-ROCHA: WAS THAT BULLET RECOVERED?

27 THE WITNESS: IT WAS RECOVERED, YES.

28 MS. AENLLE-ROCHA: THANK YOU. GO AHEAD.

1 THE WITNESS: AND I'LL SUMMARIZE THE BULLETS AFTER
2 I GO THROUGH ALL THE WOUNDS.

3 GUNSHOT WOUND #11, THIS WAS THE WOUND THAT
4 I CONSIDERED TO BE THE WOUND THAT POSSIBLY COULD HAVE
5 REENTERED. SO IT WAS A GRAZE WOUND TO THE RIGHT ELBOW
6 RIGHT THERE. AND BECAUSE IT WAS A GRAZE WOUND TO AN
7 EXTREMITY -- IF YOU CAN IMAGINE, IF YOUR ARM IS IN A
8 NUMBER OF LOCATIONS, IT'S POSSIBLE WHERE THE BULLET THAT
9 PASSES THROUGH THAT AREA COULD HAVE REENTERED TOWARD THE
10 TORSO OR THE LOWER EXTREMITIES OR THE LOWER PART OF THE
11 BODY.

12 MS. AENLLE-ROCHA: CAN YOU BRING THAT MICROPHONE A
13 LITTLE CLOSER TO YOU?

14 THE WITNESS: YES.

15 MS. AENLLE-ROCHA: THANK YOU.

16 THE WITNESS: AS I SAID, THE GRAZE WOUND HAS A
17 POSSIBILITY OF REENTERING THE BODY.

18 IN TOTAL, THERE WERE SIX PROJECTILES OR
19 BULLETS RECOVERED WITHIN THE BODY.

20 BY MR. MC KINNEY:

21 Q OKAY. AND THERE WERE THREE SEPARATE
22 GUNSHOT WOUNDS THAT PERFORATED OR PENETRATED THE LUNG,
23 CORRECT?

24 A CORRECT.

25 Q DID YOU FIND BLOOD IN HIS LUNG? OR WAS
26 BLOOD FOUND IN HIS LUNGS?

27 A YES. THERE WAS A SIGNIFICANT AMOUNT OF
28 BLOOD IN THE RIGHT CHEST CAVITY. IT WAS MEASURED AT...

(PAUSE IN PROCEEDINGS.)

BY MR. MC KINNEY:

Q WAS IT APPROXIMATELY ONE LITER OF BLOOD?

A YES. IT WAS ACTUALLY GREATER THAN ONE LITER OF BLOOD IN THE CHEST CAVITY, WHICH IS A SIGNIFICANT AMOUNT.

Q OKAY. YOU MENTIONED ONE OF THE GUNSHOT WOUNDS SEVERED HIS SPINE. DOES THAT MEAN THAT IF HE HAD SURVIVED THESE GUNSHOT WOUNDS HE WOULD HAVE BEEN PARALYZED?

A YES. IT IS DESCRIBED AS HAVING TRANSECTED THE SPINE. SO IT ACTUALLY TORE THE SPINE TO HAVE SEPARATED IT. SO IN THAT CASE THERE WOULD HAVE BEEN LOSS OF FUNCTION AT LEAST IN HIS LEGS.

Q ALL RIGHT. THANK YOU.

MR. MC KINNEY: NO FURTHER QUESTIONS.

MS. AENLLE-ROCHA: GRAND JURORS, IF YOU HAVE A QUESTION, PLEASE RAISE YOUR HANDS SO THE SERGEANT-AT-ARMS CAN COLLECT THEM.

YOU INDICATED THAT THE MANNER OF DEATH IS A HOMICIDE. WHAT DOES THAT MEAN, DOCTOR?

THE WITNESS: A HOMICIDE IS CONSIDERED A DEATH AT THE HANDS OF ANOTHER.

MS. AENLLE-ROCHA: THANK YOU.

ANY QUESTIONS?

OKAY. MADAM FOREPERSON, -- I DON'T SEE ANY QUESTIONS -- IF YOU COULD PLEASE ADMONISH THE WITNESS.

1 THE FOREPERSON: BEFORE YOU LEAVE, PLEASE LISTEN
2 CAREFULLY TO WHAT I AM GOING TO SAY TO YOU NOW.

3 YOU ARE ADMONISHED NOT TO REVEAL TO ANY
4 PERSON, EXCEPT AS DIRECTED BY THE COURT, WHAT QUESTIONS
5 WERE ASKED OR WHAT RESPONSES WERE GIVEN OR ANY OTHER
6 MATTERS CONCERNING THE NATURE OR SUBJECT OF THE GRAND
7 JURY'S INVESTIGATION WHICH YOU LEARNED DURING YOUR
8 APPEARANCE BEFORE THE GRAND JURY UNLESS AND UNTIL SUCH
9 TIME AS THE TRANSCRIPT OF THIS GRAND JURY PROCEEDING IS
10 MADE PUBLIC.

11 I WISH TO ADVISE YOU THAT A VIOLATION OF
12 THIS ORDER CAN BE THE BASIS OF A CONTEMPT OF COURT CHARGE
13 AGAINST YOU.

14 DO YOU UNDERSTAND THIS ADMONITION?

15 THE WITNESS: YES.

16 MS. AENLLE-ROCHA: THANK YOU, DOCTOR. YOU'RE
17 EXCUSED. HAVE A NICE EVENING.

18 THE WITNESS: THANK YOU.

19 MR. MC KINNEY: THANK YOU, DOCTOR.
20

21 (THE WITNESS EXITED THE GRAND JURY
22 HEARING ROOM.)
23

24 MS. AENLLE-ROCHA: IT'S THE END OF OUR DAY, MADAM
25 FOREPERSON. WOULD YOU PLEASE RECESS THIS HEARING AND
26 ORDER THE GRAND JURORS TO RETURN TOMORROW AT 8:30.

27 THE FOREPERSON: SO ORDERED.

28 MS. AENLLE-ROCHA: THANK YOU.

1 GRAND JURORS ARE ADMONISHED AND ADVISED NOT
2 TO DISCUSS THIS MATTER OR FORM ANY OPINION UNTIL SUCH TIME
3 AS IT IS GIVEN TO THEM FOR DELIBERATIONS.

4 PLEASE ESCORT THE D.A. FROM THE HEARING
5 ROOM. I'LL ALLOW HIM TO COME BACK AND GET HIS STUFF IN A
6 SECOND.

7
8 (DEPUTY DISTRICT ATTORNEY MC KINNEY
9 EXITED THE GRAND JURY HEARING ROOM.)

10
11 (AT 3:30 P.M., THE MATTER WAS CONTINUED TO
12 WEDNESDAY, MAY 8, 2019, AT 9:00 A.M.)
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